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**APPEAL STAFF REPORT
DE NOVO REVIEW**

APPEAL NO.: A-1-HMB-99-022

APPLICANTS: Ailanto Properties

AGENT: Robert Henry

LOCAL GOVERNMENT: City of Half Moon Bay

SUBSTANTIAL ISSUE: The Commission found that the appeal of the local government action on this project raised a substantial issue on March 17, 2000.

PROJECT LOCATION: Adjacent to the eastern ends of Grandview Boulevard and Terrace Avenue, north of Highway 92 and east of Highway 1 in the City of Half Moon Bay, San Mateo County.

PROJECT DESCRIPTION: The proposed development includes subdivision of 3 existing parcels measuring 114 acres total into 145 residential lots, construction of a detached single-family home on each residential lot, streets, open space parcels and neighborhood park areas.

APPELLANTS: Commissioner Sara Wan
Commissioner Mike Reilly
Eleanor Wittrup and George Carman

SUBSTANTIVE FILE DOCUMENTS: See Appendix A

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APPENDICES

- Appendix A: Substantive File Documents
- Appendix B: Vehicle Trip Generation Analysis
- Appendix C: Referenced Policies

EXHIBITS

- Exhibit 1: Regional Location Map
- Exhibit 2: Highway and Local Street Map
- Exhibit 3: Vicinity Map
- Exhibits 4-7: Highway 92 Improvement Project
- Exhibit 8: Wetlands Delineation
- Exhibit 9: Project Site Plan
- Exhibit 10: Prime Agricultural Soils Map
- Exhibit 11: Drainage Map
- Exhibit 12: Projected Road Congestion for Highway 1 and 92
- Exhibit 13: Existing Lot Configuration

CORRESPONDENCE

(items received subsequent to May 12, 2000 hearing)

- May 8, 2000 Letter from James Benjamin to the Commission
- June 6, 2000 Letter from Robert Henry, Ailanto Properties to the Commission
- June 19, 2000 Letter from Deborah Ruddock to Robert Henry
- October 10, 2000 Letter from Robert Henry, Ailanto Properties to Chris Kern (w/o enclosures)
- October 31, 2000 Letter from Albert Fong, Ailanto Properties to the Commission (w/ Attachments O, P and Q)
- October 31, 2000 Letter from Albert Fong, Ailanto Properties to the Commission
- November 17, 2000 Letter from Eric and Kristen Fuchs to the Commission
- November 25, 2000 Letter from Coastside Community Association to Chris Kern

EXECUTIVE SUMMARY

Prior Commission Action

On March 17, 2000 the Commission found that the appeals submitted regarding this proposed project raised a substantial issue with respect to the grounds on which they were filed. On May 12, 2000, the Commission opened a public hearing for the de novo portion of the appeal. During this hearing, the Commission staff presented a summary of the issues raised by the proposed project and the Commission received testimony from the applicant and from interested members of the public. The Commission then continued the de novo hearing to a future meeting to allow staff additional time to prepare a recommendation for Commission action on the appeal. This staff report presents the staff's recommendation to the Commission for action on the Pacific Ridge development project under the Half Moon Bay Local Coastal Program.

Revisions to the Project

Staff notes that since the project was initially approved by Half Moon Bay and appealed to the Commission, the applicant has made significant changes in the project. For instance, as approved by the City of Half Moon Bay, the project included 197 residential parcels. On October 28, 1999 the applicant, Ailanto Properties, revised the proposed plan to include 151 parcels containing 150 homes. A subsequent revision by Ailanto on January 24, 2000 has brought the number of proposed homes to 145.

Aside from revisions to the project, Ailanto has provided materials on a number of occasions that have clarified the nature of the proposed project. For instance, letters of April 4 and April 6, 2000 from Ailanto have addressed the 88 conditions adopted by Half Moon Bay when the City approved the previous version of the project on March 16, 1999, indicating which of the conditions have been incorporated by Ailanto into the project description and which ones have been superseded by subsequent alterations in the project. Revisions to the project and the clarifications provided by Ailanto have assisted Commission staff in analyzing the conformity of the project with the policies of the Local Coastal Program.

Because the proposed project is substantially different than the one that was approved by Half Moon Bay in March 1999 and analyzed in the Commission's findings regarding Substantial Issue, dated March 17, 2000, the appellants' statements of the reasons for the appeal, the applicant's preliminary responses to the appeal, and certain correspondence may address project elements that have been substantially changed or are no longer part of the revised proposed project. All of this correspondence is part of the project record, and much of it was attached as exhibits to the findings of substantial issue. For the sake of brevity, clarity, and to avoid waste, most of this superseded material is not again reproduced in this report. Instead, a package containing select items of correspondence is being provided in a separate package along with this report. However, staff has carefully reviewed that material to assure that the issues and concerns that apply to the proposed project, as revised, are addressed in this staff report.

Summary of the Staff Recommendation

The staff recommends that the Commission deny the permit application as submitted. This recommendation is based on significant adverse impacts, both individually and cumulatively with other potential projects, that this proposed residential subdivision would have on coastal resources and public shoreline access, thus making it inconsistent with the policies of the Half Moon Bay Local Coastal Program.

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- Chief among the impacts that the project would have is a significant contribution to traffic congestion on Highways 1 and 92. Although the project would also contribute through mitigation measures to a localized improvement in traffic congestion at nearby intersections, the contribution of this project along with others likely to occur over the next 10 to 20 years in the San Mateo County Mid-Coast area would further exacerbate highway congestion, thus adversely affecting the ability of the general public to reach the shoreline for recreational purposes.

Only two regional highways connect Half Moon Bay to the larger Bay Area, and both highways already carry traffic at peak hours on weekdays and Saturdays in excess of their capacity. Although improvements to both highways are proposed by the City of Half Moon Bay, to which Ailanto Properties proposes to contribute, those improvements would be insufficient to assure satisfactory service levels in the future, given projected future growth.

The Local Coastal Programs of Half Moon Bay and San Mateo County predict substantial future residential growth in both jurisdictions, thus contributing to additional congestion on the highways. For instance, the Half Moon Bay LCP predicts that additional housing units in Half Moon Bay will increase over the next twenty years by 100 percent or more (an increase of 4,495 or more units in comparison to the 3,496 units existing in 1992). According to regional predictions contained in the San Mateo County Countywide Transportation Plan Alternatives Report, even with maximum investment in the transportation system, traffic volumes on both highways are predicted to be far in excess of capacity, if residential and commercial development proceeds as projected.

The Half Moon Bay LCP contains policies that prohibit new development if adequate services are not available to support it. For example, LUP Policy 9-4 requires that development shall be served with adequate services and that lack of adequate services shall be grounds for denial of a development permit or reduction in the density otherwise allowed under the LUP.

Up to 2,529 vacant residential lots already exist within the City of Half Moon Bay. Approval of the creation of additional residential lots through this proposed subdivision, which represents a net increase of 143 parcels over the two legal lots that currently exist, would only contribute to a long-term worsening of traffic congestion and a consequent limitation on the ability of the general public to reach area beaches and shoreline for priority visitor-serving and recreational purposes.

- Construction of the project as proposed would not assure the protection of sensitive species and environmentally sensitive habitat areas on and around the site. The U. S. Fish and Wildlife Service has determined that the project site provides habitat for California red-legged frogs and potential habitat for San Francisco garter snakes, both federally listed species. Although the project provides the minimum wetland and riparian buffers specified by the LCP, these proposed buffers are inadequate to protect the habitat for the listed frogs and snakes as required by other LCP policies. Therefore, the Commission concludes that the project will result in significant adverse impacts to these species through direct loss of habitat in conflict with the environmentally sensitive habitat area (ESHA) protection policies of the LCP. Furthermore, the project includes two bridges across riparian corridors for which feasible alternatives exist.

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- The project would not affect views of the coast from public places but it would result in construction of homes on undeveloped slopes of the coastal hills visible from Highway 1. The proposed project would interrupt views of the upper hillsides from Highway 1. These hillsides are designated as scenic resources on the LCP Visual Resources Overlay Map. The project would thus adversely affect the scenic resources of Half Moon Bay, inconsistent with LCP policies.
- The project as proposed is consistent, partially or wholly, with some policies of the LCP. For instance, although the site contains a small amount of prime agricultural soils, the LCP designates the property as suitable for residential development, because it is not viable for future agricultural use based on conflicts with existing urban uses and other factors.

Through revisions to the project since the appeal was filed in April of 1999, the applicant has attempted to address many issues of conformity with LCP policies. In the final analysis, however, the project continues to raise significant issues in several areas. In particular, it represents a significant increase in the number of residential parcels in a community with limited and already overloaded roads, as well as a large pool of existing, undeveloped residential parcels. The LCPs of Half Moon Bay and San Mateo County do not contain a mechanism to offset the impacts of the creation of new residential parcels, such as (for instance) a transfer of development credit program that would retire existing poorly platted lots at the time new parcels are created. Because the project as revised does not successfully address regional traffic issues and habitat protection issues consistent with the requirements of the certified LCP, the staff recommends that the Commission deny this application.

1.0 STAFF RECOMMENDATION

Denial

The staff recommends that the Commission deny Coastal Development Permit Application A-1-HMB-99-022 as follows:

Motion

I move that the Commission approve Coastal Development Permit A-1-HMB-99-022 for the development proposed by the applicant.

Staff Recommendation of Denial

Staff recommends a NO vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Deny the Permit

The Commission hereby denies a coastal development permit for the proposed development on the grounds that the development will not conform with the policies of the City of Half Moon Bay Local Coastal Program. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

2.0 FINDINGS AND DECLARATIONS

[NOTE: The full text of the LCP, Coastal Act and other policies and regulations referenced herein are attached as Appendix C of this report.]

2.1 Standard of Review

The entire City of Half Moon Bay is within the California coastal zone. The City has a certified Local Coastal Program, which allows the City to issue Local Coastal Permits. The local action of the City is appealable to the Commission because it contains areas of wetlands and streams subject to the appeal jurisdiction of the Commission under Public Resources Code (PRC) Section 30603(a)(2).

Because the Commission found in March 2000 that the appeals of the local government action on this project raise a substantial issue under the LCP, the Commission must consider the entire application *de novo* (PRC §§ 30603, 30621, and 30625, 14 CCR § 13115). Ailanto has previously asserted that only those physical portions of the project that are located within 100 feet of a stream or wetland are before the Commission *de novo*. However, the applicant confuses initial jurisdictional prerequisites with the Commission's authority to review the entire Pacific Ridge Development project *de novo*. Although Section 30603 lists the types of development for which the Commission has jurisdiction to hear an appeal, Section 30603 also indicates the parameters under which such review is to take place once jurisdiction is established. In accordance with Coastal Act Section 30603(a), the appeal is of the action taken by the local government. Likewise, Section 30625 of the Coastal Act provides that any appealable action on a coastal development permit by a local government may be appealed to the Commission. Section 30625 also provides that the Commission may then approve, modify, or deny such proposed development. Section 30621 and implementing regulation Section 13115 state that the application for the proposed development is before the Commission *de novo*. Therefore, consistent with Coastal Act Sections 30603, 30621 and 30625 and implementing regulation Section 13115 the entire application acted on by the City is before the Commission *de novo*. Finally, the Commission also notes that the proposed development includes a subdivision. Accordingly, the impact of the proposed subdivision is inseparable and cannot be geographically severed.

Section 30604(b) states that after certification of a local coastal program, a coastal development permit shall be issued if the issuing agency or the Commission on appeal finds that the proposed development is in conformity with the certified local coastal program. Pursuant to Policy 1-1 of the City's certified Land Use Plan (LUP), the City has adopted the policies of the Coastal Act (sections 30210 through 30264) as the guiding policies of the LUP. Policy 1-4 of the City's LUP states that prior to issuance of any development permit, the [Commission] shall make the finding that the development meets the standards set forth in all applicable LUP policies. Thus, the LUP incorporates the Chapter 3 policies of the Coastal Act. These policies are therefore included in the standard of review for the proposed project.

The project site is located within the Planned Development Area (PUD) designated in the City's LUP as the Dykstra Ranch PUD. Section 9.3.7 of the LUP specifically addresses the development of the Dykstra Ranch PUD, and includes "Proposed Development Conditions" for the development. Section 18.37.020.C of the City's Zoning Code states in relevant part:

New development within Planned Development Areas shall be subject to development conditions as stated in the Local Coastal Program Land Use Plan for each Planned Development...

Therefore, Proposed Development Conditions (a) through (h) contained in LUP Section 9.3.7 are included in the standard of review for this proposed project and are hereinafter referred to as LUP Policies 9.3.7(a) through 9.3.7(h).

LUP Policy 9.3.7(a) requires a specific plan to be prepared for the entire [Dykstra Ranch Planned Development] area which incorporated all of the stated conditions and conforms to all other policies of the Land Use Plan. Accordingly, the City approved a specific plan for the Dykstra Ranch PUD on January 4, 1994, and subsequently incorporated this PUD plan as Chapter 18.16 of the Zoning Code – Dykstra Ranch PUD Zoning District. The Commission certified the PUD in April 1996. In accordance with the definitions provided in Zoning Code Section 18.02.040, the LCP uses the terms “Specific Plan” and “Planned Unit Development Plan” synonymously. Zoning Code Section 18.15.045.C states that a Planned Unit Development Plan shall expire two years after its effective date unless a building permit has been issued, construction diligently pursued, and substantial funds invested. Neither a coastal development permit (CDP) nor a building permit has been issued for the proposed project. Therefore, by its own terms the Dykstra Ranch PUD Plan/Specific Plan expired in April of 1998, two years after the Commission certified the PUD and it became effective in the City. Because the specific plan has expired, Zoning Code Chapter 18.16 is not included in the standard of review for this coastal development permit application. A new specific plan has not been prepared for the development.

LUP Policy 9-8 states that areas designated in the LUP as PUD shall be planned as a unit and that preparation of specific plans may be required for one or more separate ownerships, individually or collectively, when parcels comprising a PUD are in separate ownerships. LUP Policy 9-14 states that where portions of a PUD are in separate ownership, approval may be granted for development of a parcel or group of parcels within the PUD provided that the City has approved a specific plan for the PUD district. The Dykstra Ranch PUD District is comprised of two lots under a single ownership, and the Pacific Ridge Development represents a development plan for the entire PUD district. Therefore, pursuant to LUP Policies 9-8 and 9-14, a specific plan is not required as a prerequisite to the development of the Dykstra Ranch PUD. Although the specific plan required to be prepared under LUP Section 9.3.7(a) has expired, the Commission could potentially find the development in conformance with the LCP, including the proposed development conditions for the PUD, without preparation of a new specific plan.

2.2 Project Location and Description

The proposed project is within the Dykstra Ranch Planned Unit Development (PUD) area, located on a coastal terrace east of Highway 1 and north of State Route 92 at the eastern edge of the City of Half Moon Bay, San Mateo County, approximately one mile east of the Pacific Ocean (Exhibit 1). A mix of suburban development and vacant former agricultural lands lies between the site and Highway 1. Half Moon Bay High School is located on the southwest boundary of the site (Exhibit 3).

The elevation of the property ranges from about 245 feet in the southeast portion of the project area down to about 45 or 50 feet in the northwest corner. The western portion of the project area contains gentle slopes in the five percent range. Some ridges, particularly in the northeast, are

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steeply sloped, approaching 28 percent in some cases. The land has been used for grazing cattle and has a history of barley cultivation.

Soils on the site consist of natural deposits of alluvium and artificial fill. The alluvial soils display slight to moderate erosion potential. Soils on the rolling hills in the northwestern part of the site also pose slight to moderate erosion potential. The upland soils on the hills, along the northeastern boundary of the site are moderately to highly erodable. The site contains artificial fills for an earthen dam and an embankment and drainage channel berms, relating to previous agricultural activities. Approximately 36 acres or 32 percent of the site contain prime agricultural soils (Exhibit 10).

The site lies in the transition area between the foothills along the western flank of the Santa Cruz Mountains and the coastal plain in Half Moon Bay. The closest active earthquake faults are located approximately five miles northeast of the site. The general area is a seismically active region, and is subject to strong seismic ground shaking.

The project as approved by the City was to subdivide the 114-acre site into 197 residential lots. Subsequent to the Commission's determination of substantial issue, the applicant revised the project for purposes of the de novo permit review. These revisions include reduction from 197 to 145 lots, relocation of a portion of the main "loop road" to avoid encroachment into the pond buffer area, and additional wetland and riparian corridor protections (Exhibit 9). Ailanto proposes to develop the lots with two-story houses ranging in size from 2,571 to 3,547 square feet. Many of the homes are positioned for views of the ocean (Exhibit 9). To increase the variation in design, the applicant proposes to construct detached garages for approximately 58 percent of the houses. Houses are projected by the applicant to be priced above \$500,000, and to appeal to people purchasing their second or third home. These buyers are expected to be families with children of high school age or older.

Infrastructure improvements to serve the development include privately maintained subdivision streets and underground lines for water, power, and sewer services. Ailanto has paid assessments to the Sewer Authority Midcoast and to the Coastside County Water District to assure sewer and water capacity to serve the development.

As originally proposed to the City the project included the construction of Foothill Boulevard linking the site to State Route 92 to the south and the extension of Grand View Boulevard linking the development to Highway 1 to the west. However the City denied the construction of these roadways due to their encroachment into wetland areas. For purposes of the Commission de novo review of the permit application, Ailanto has revised the project to provide access to the development from highway 1 through an extension of Terrace Avenue, an existing neighborhood street that abuts the development site to the west (Exhibit 2). The applicant proposes to provide approximately \$1 million for improvements at the intersection of Terrace Avenue and Highway 1 including lane widening and a traffic signal.

The applicant proposes to dedicate open space easements over approximately 5.15 acres of the site for park use. A homeowners association would maintain subdivision streets, sidewalks, streetlights, monument signs, wetlands, the pond, and open space amenities such as benches, bicycle racks, a tot lot and a gazebo.

2.3 Regional Cumulative Traffic Impacts

The Commission denies the permit application because the proposed subdivision would cause significant adverse cumulative impacts to traffic on Highways 1 and 92.

2.3.1 Issue Summary

Road access to the Mid-Coast region of San Mateo County including the City of Half Moon Bay is limited to Highways 1 and 92. Studies show that the current volume of traffic on these highways exceeds their capacity and that even with substantial investment in transit and highway improvements, congestion will only get worse in the future. As a result, the level of service on the highways at numerous bottleneck sections is currently and will in the future continue to be rated as LOS F. LOS F is defined as heavily congested flow with traffic demand exceeding capacity resulting in stopped traffic and long delays. This level of service rating system is used to describe the operation of both transportation corridors as well as specific intersections. LOS F conditions are currently experienced at certain intersections and at bottleneck sections of both highways during both the weekday PM peak-hour commuter period and during the weekend mid-day peak. The LCP contains policies that protect the public's ability to access the coast. The extreme traffic congestion on Highways 1 and 92 significantly interferes with the public's ability to access the area's substantial public beaches and other visitor serving coastal resources in conflict with these policies.

The key reasons for this problem are that capacity increases to the highways are constrained both legally and physically and because there is a significant imbalance between housing supply and jobs throughout the region. Without any new subdivisions, there are approximately 2,500 existing undeveloped small lots within the City. Each of these lots could potentially be developed with at least one single-family residence. Even with the City's Measure A 3-percent residential growth restriction in place, this buildout level could be reached by 2010. If the Measure D one percent growth restriction approved by Half Moon Bay voters in November 1999 is implemented through an amendment to the LCP (litigation challenging the measure is currently pending), the rate of buildout would be slowed, but neither of these growth rate restrictions change the ultimate buildout level allowed. It is also important to note that neither the proposed development nor several other proposed subdivisions for which the City approved vesting tentative maps prior to the effective date of Measure A are subject to these growth restrictions.

The County's Congestion Management Plan (CMP) concludes that a major factor contributing to existing and future traffic congestion throughout the County is the imbalance between the job supply and housing (CCAG 1998). In most areas of the County, the problem is caused by a shortage of housing near the job centers, resulting in workers commuting long distances from outside the County. In these areas, the CMP recommends general plan and zoning changes designed to increase the housing supply near the job centers of the County. In the Mid-Coast area of the County however, the problem is reversed. In accordance with the projections contained in the CMP, buildout of the currently existing lots within the City of Half Moon Bay would exceed the needed housing supply for the area by approximately 2,200 units, contributing to significantly worse congestion on the area's highways. Simply put, the capacity of the regional transportation network cannot feasibly be increased to the level necessary to meet the demand created by the development potentially allowable under the City and the County land use plans.

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The applicant proposes to mitigate the impacts of the proposed development to area traffic by providing the City with funding to install a traffic signal on Highway 1 where it intersects with the access road proposed to the development and to widen an 800-foot portion of Highway 1 near this intersection. The applicant's transportation consultant has provided data showing that with these and other highway and intersection improvements contemplated by the City, six intersections in the vicinity of the development site will operate at acceptable levels, representing an improvement over existing conditions. The Commission does not dispute that the proposed signalization and lane widening will improve the function of these intersections, and will reduce congestion within the City at least in the short term. However, these improvements will only assist in addressing the immediate impacts on the streets surrounding the subdivision. As shown in the alternatives study conducted for the Countywide Transportation Plan, these improvements do not solve the larger congestion problem outside the City Limits. In addition, because the applicant underestimates growth projections for purposes of its cumulative impact analysis, the proposed traffic improvements do not assure that all significant adverse cumulative impacts inside the City will be adequately mitigated.

It is not within the ability of the developer of the proposed project to solve the transportation problems created by the region's significant job/housing imbalance. However, it is appropriate for the Commission to consider significant regional planning issues such as this when considering whether to allow new subdivisions that would further intensify the level of development in an area where road service is inadequate to serve existing local and visitor demands.

In accordance with the policies of the Half Moon Bay LCP that require new development to be served by adequate public services and that seek to protect the public's rights to access the coast by reserving service capacity for that priority use, this subdivision should not be permitted until a solution to this regional transportation problem is found. Therefore, as further discussed below, the staff recommends that the Commission deny this permit application.

One way in which the City could solve this problem would be to implement a transfer of development rights (TDR) program. Such a program could allow the approval of new subdivisions only when the developer retires the development potential of an equal or greater number of existing lots within the City. In addition to maintaining or reducing the overall level of future development within the area, such a program could allow development to occur in the areas best able to support it, while helping to preserve open space, public access, and sensitive coastal resource. The City recently conducted a preliminary feasibility analysis for the implementation of a TDR program.

2.3.2 LCP Standards

The City of Half Moon Bay LCP contains policies requiring adequate road capacity to serve new development and to minimize impacts of development to traffic on Highways 1 and 92. LUP Policy 9-2 specifies that new development shall not be permitted unless it is found that the development will be served upon completion with road facilities. LUP Policy 9-4 requires that development shall be served with adequate services and that lack of adequate services shall be grounds for denial of a development permit or reduction in the density otherwise allowed under the LUP. Policy 10-4 states that the City shall reserve public works capacity for priority land uses including public access and recreation from consumption by other non-priority uses such as residential development. LUP Policy 10-25 designates LOS C as the desired level of service on

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Highways 1 and 92 except during the weekday and weekend peak-hours when LOS E may be accepted.

Section 9.3.7 of the LUP includes proposed development conditions for the development of the Dykstra Ranch Planned Unit Development Area (the project site). Proposed Development Condition 9.3.7(a) provides for the reduction of the maximum allowable density of 228 units for the project site if the remaining capacity on Highway 92 is inadequate to accommodate that level of development.

In addition, pursuant to LUP Policy 1-1, the City has adopted the Chapter 3 policies of the Coastal Act as the guiding policies of the LUP. Accordingly, the City's LUP adopts Coastal Act Sections 30210, 30250 and 30252, which also require that development shall not interfere with the public's ability to access the coast and shall only be approved in areas with adequate public services.

2.3.3 Regional Transportation Setting

Road access to Half Moon Bay and the San Mateo County Mid-Coast region is limited and capacity increases are severely constrained.

The City of Half Moon Bay can only be accessed via Highway 1 from the north and south and by Highway 92 to the east (Exhibits 1, 2, and 3). Capacity increases to these roadways are constrained both legally and physically. Coastal Act Section 30254 states that it is the intent of the legislature that in rural areas, Highway 1 shall remain a scenic two-lane road. This Coastal Act policy is implemented through the San Mateo County LCP both to the north and to the south of the City, outside the City Limits.

Highway 1 Corridor

Approximately 10 miles north of the City, in San Mateo County, Highway 1 passes through the "Devil's Slide" area, where landslides cause frequent interruptions and occasional closures during the rainy season. Caltrans is currently seeking necessary approvals to construct a tunnel to by-pass Devil's Slide. While the tunnel will improve operations of the highway in the section by preventing slide-related delays and closures, the width of the tunnel will only allow one lane in each direction consistent with Coastal Act Section 30254. Construction of additional lanes to provide additional capacity is therefore not an option in the Devil's Slide area. (The Coastal Commission approved San Mateo County LCP Amendment 1-96 on January 9, 1997 providing for the tunnel alternative.)

The Highway 1 right-of-way provides sufficient width for a four-lane roadway throughout the City of Half Moon Bay. South of Miramontes Point Road, Highway 1 has a rural character with one lane and a graded shoulder in each direction. It varies in width between two and four lanes between Miramontes Point Road and Kelly Avenue. North of Kelly Avenue, it includes two lanes in each direction separated by a raised median before returning to one lane in each direction north of North Main Street. The intersections of Highway 1 with North Main Street, Highway 92, and Kelly Avenue are controlled with traffic signals. The intersections of Highway 1 with minor roadways, including the proposed project site access Terrace Avenue, are controlled with stop signs on the minor street approaches. The roadway widens at unsignalized intersections to accommodate a 12-foot left turn lane. However, because of the heavy traffic congestion on Highway 1 during peak hours, significant delays occur for left turn movements into and out of these unsignalized minor street intersections.

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The maximum capacity of the Highway 1 corridor (LOS E)¹ is approximately 2,500 vehicles per hour. Any volume greater than 2,500 vehicles per hour is considered an undesirable level of service F. Currently, the corridor carries approximately 3,120 vehicles during the weekday PM peak-hour and 3,000 vehicles during the Saturday midday peak-hour. Thus, the corridor operates at LOS F at these times (Fehr & Peers 2000b). In addition, the unsignalized Terrace Avenue/Highway 1 intersection currently operates at LOS F due to heavy traffic on Highway 1 that constrains turning movements of vehicles attempting to enter Highway 1 from Terrace Avenue (Dowling 1998).

Earlier this year, the City contemplated drafting a Project Study Report (PSR) for submittal to Caltrans to study an approximately \$3 million improvement plan for the approximately 3,000-foot section of Highway 1 between North Main Street and Kehoe Avenue. On June 20, 2000, the City Council considered eight alternatives for this improvement project. The improvements contemplated included widening the remaining two-lane portions of this section of the highway to four lanes, consolidating intersections, and improving bicycle and pedestrian safety. Under this plan, Bayview Drive would have served as the consolidated, arterial street to serve the existing and planned neighborhoods in this area of the City inland of Highway 1 with a signalized intersection. The other intersections north of North Main would remain unsignalized and restricted to right turning traffic. Although the City did not develop a funding plan for this project, substantial portions of the costs of the improvements were expected to be shared by future development approved along this corridor, including the previously proposed Beachwood Development and the Pacific Ridge Development projects. The City anticipated that the San Mateo County Transportation Authority (SMCTA) would also provide substantial funding for these improvements. However, since the City's denial of the Beachwood project in July 2000, and the publishing of the June 22, 2000 staff recommendation for Coastal Commission denial of the Pacific Ridge project, the City has taken no further action to pursue the Highway 1 improvement project. Thus, the contemplated project study report currently remains at an early stage of planning without funding, environmental review or regulatory approvals.

The City recently began studies to determine if signal warrants are met for the currently unsignalized Highway 1 intersections at Grandview Avenue, Roosevelt Boulevard, Mirada Road, and Filbert Street. Caltrans recently determined that a signal is warranted at the Ruisseau Francaise/Highway 1 intersection.

Highway 92 Corridor

Highway 92 runs east of the City to Highway 280 traversing steep rugged terrain. Because of the steep slopes, slow-moving vehicles delay eastbound traffic. In accordance with the LUP, the capacity of this highway is 1,400 vehicles per hour (in each direction of travel). Currently, the Highway 92 corridor carries approximately 1,976 vehicles during the weekday PM peak-hour and 1,800 vehicles during the Saturday midday peak-hour. Given the characteristics of this roadway, including its steep slopes and curves, this traffic volume results in levels of service F during the weekday peak and nearly F during the weekend peak.

¹ Traffic analysis is commonly undertaken using the level of service rating method. The level of service rating is a qualitative description of the operational conditions along roadways and within intersections. Level of service is reported using an A through F letter system to describe travel delay and congestion. Level of service (LOS) A indicates free-flowing conditions. LOS E indicates the maximum capacity condition with significant congestion and delays. A LOS F rating indicates traffic that exceeds operational capacity with unacceptable delays and congestion.

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In 1989, the voters of San Mateo County passed Measure A, a 1/2 cent sales tax initiative to provide funds for transportation improvements within the County.² Operational and safety improvements to Highway 92 from Highway 1 to Highway 280 were included as part of the Measure A program. Improvements were subsequently divided into four separate construction packages. Construction was recently completed on the first segment to go into construction, the section of Highway 1 from Pilarcitos Creek south of the City to Skyline Boulevard (Highway 35). The other three segments include Highway 92 improvements within the City and in the County area east of the City limit. This project has been divided into two phases. The City will construct Phase 1 and the SMCTA will construct Phase 2.

Phase 1 of the Half Moon Bay Highway 92 improvement project addresses the western segment of the highway within the City. The Phase 1 improvements include widening portions of Highway 92 from two to four lanes, intersection improvements, and improved bicycle and pedestrian safety (Exhibits 4-7). The City will enter into a cooperative agreement with Caltrans for final design and construction for the Phase 1 project. In 1998, the City entered into an agreement with the SMCTA for additional funding for the Phase 1 portion of the project. Funding for Phase 1 includes \$3.97 million from the State, \$4.92 million from SCMTA and \$0.82 million from the City. The City expects to complete Phase 1 by 2002.

Phase 2 follows Highway 92 from approximately 2,230 feet east of Main Street to the City limit line and will be constructed by the SCMTA. Phase 2 will include widening the remaining portion of the highway to the City limit line to provide one standard 12-foot lane and an 8-foot outside shoulder in each direction.

The Phase 1 and 2 improvements will improve traffic flow along this segment within the City consistent with the Circulation Element of the City's General Plan. The improvements will not, however, improve the bottlenecks on Highway 92 east of the City that interfere with the public's ability to access the coast from inland areas. On May 11, 2000, the City Planning Commission certified a mitigated negative declaration (MND) and approved a coastal development permit for the Phase 1 Highway 92 improvements within the City. The MND finds that the project will bring this portion of the Highway 92 corridor within the City Limits to an acceptable level of service under the LCP (LOS C or better). The Planning Commission's approval of this project was appealed to the City Council. The City Council rejected the appeal, granting the final local approval for the project on July 16, 2000. The City's approval was not appealed the Coastal Commission.

Construction was recently completed of an uphill-passing lane on the segment of Highway 92 east of the City. In addition, the SCMTA is preparing plans for a widening and curve correction project from Pilarcitos Creek to the proposed Foothill Boulevard. This project will include widening of existing lanes and curve corrections to improve safety, but terrain and proximity to stream corridors prohibit widening the roadway to provide additional lanes east of the City Limits. Thus, while the proposed lane widening and curve corrections will improve the flow of traffic through this corridor, it is not feasible to increase capacity through further lane additions to the segment of Highway 92 between the City limit line and Highway 280 to the east.

² Unrelated to the City of Half Moon Bay Residential Growth Initiative also known as Measure A.

2.3.4 Regional Growth Projections

Contrary to the applicant's cumulative impact analysis, regional growth projections for Half Moon Bay and the San Mateo County Mid-Coast region predict growth that will exceed the capacity of the transportation system

Cumulative impact analysis is based on an assessment of project impacts combined with other projects causing related impacts (14 CCR § 15355). In accordance with CEQA, cumulative impact analysis must consider reasonably foreseeable future projects or activities. The CEQA guidelines identify two sources of data that can be consulted for the purpose of evaluating the significant cumulative impacts of development (14 CCR § 15130(b)):

(1) Either:

- (A) A list of past, present and probable future projects producing related or cumulative impacts, including those projects outside the control of the agency, or [Emphasis added.]*
- (B) A summary of projections contained in an adopted general or related planning document or in a prior environmental document which has been adopted or certified, which describes or evaluates regional or area wide conditions contributing to the cumulative impact.*

The applicant's traffic study is based on a list of projects as described in Subsection (A) to project future development for its assessment of cumulative project impacts to traffic. The applicant's transportation consultant considered all known permitted and planned developments as provided by City of Half Moon Bay and San Mateo County planning staff and an additional 540 residential "in-fill" units in determining expected growth. Based on these data, the applicant considers the traffic volume that would be generated by the addition of 2,308 residential units, 582 hotel units, and 250,000 square feet of commercial development for its cumulative traffic impact analysis (Fehr & Peers 2000a). However, the applicant's transportation consultant did not include all of the projects required to be considered in compiling a list of past, present, and probable future projects under CEQA. The CEQA Guidelines provide (14 CCR § 15130(b)):

"Probable future projects" may be limited to... projects included in an adopted capital improvements program, general plan, regional transportation plan, or other similar plan... (Emphasis added)

The list of past, present, and probable future projects used for the applicant's transportation analysis is incomplete, and underestimates future growth because all projects identified in the City and County General Plans and the San Mateo County Countywide Transportation Plan have not been included. CEQA Regulation Section 15130(b)(1)(B) provides an alternative method to determine the impacts of other projects causing related impacts that relies on adopted planning documents. This method supports the use of the Half Moon Bay and San Mateo County LCPs and the San Mateo County Countywide Transportation Plan as the relevant planning documents for the purpose of assessing the potential cumulative impacts of the proposed development. The housing supply growth projections contained in these planning documents are addressed below.

Land Use Plans

The San Mateo County and Half Moon Bay Land Use Plans specify the approximate number of households in the Mid-Coast region at buildout. These projections are based on current zoning and available lots. The area contains a large number of undeveloped lots in existing "paper subdivisions" dating back to the early 20th Century. The LUPs do not fully account for the

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development of these lots because an accurate count of the number of developable lots in these paper subdivisions does not exist. As a result, the buildout levels shown may significantly underestimate buildout, particularly in the County.

Half Moon Bay LUP Table 1.1 *Maximum Housing and Population, Half Moon Bay Land Use Plan* shows the City at 3,612 existing units as of 1992, growing to full buildout of 7,991-8071 households by 2020. These projections are based on a 3-percent annual growth rate consistent with the City's certified LCP Measure A growth restriction and a ratio of 2.6 persons per household.

The San Mateo County LUP estimates the buildout population for the rural and urban Mid-Coast area north of Half Moon Bay at 17,085 persons, and for the south of the City (South Coast) at 5,000 persons (LUP Table 2.21 *Estimated Buildout Population of LCP Land Use Plan*). The LUP does not estimate the number of households that these population levels would reflect. Using the same ratio of 2.6 persons to household used for the City's LUP, the County buildout levels expressed in numbers of households is 6,571 for the Mid-Coast and 1,923 for the South Coast. There are no annual residential growth restrictions in the County Mid-Coast and South Coast planning areas outside the City of Half Moon Bay.

San Mateo County Countywide Transportation Plan

In June 1997, the City/County Association of Governments of San Mateo County (CCAG) published the second edition of the San Mateo County Countywide Transportation Plan Alternatives Report (CCAG 1997). The CTPAR analyzes land and transportation alternatives for cities, the County and transportation agencies to consider as the basis for the development of future land use and transportation development policy. The study consists of four major components: (1) a Travel Demand Forecasting Model which predicts how people travel and what impacts those trips have on the County's transportation system, (2) a Land Use Information System (LUIS) which provides existing and projected numbers of households and jobs for each transportation analysis zone, (3) five land use scenarios to assess how different land use densities and patterns affect travel demand and mode, (4) eighteen transportation scenarios to test how well additive groups of projects relieve congestion.

The LUIS was developed specifically for the purpose of analyzing potential impacts of future development and job growth on the County's transportation network. The LUIS is based on information provided from each local jurisdiction, including up to date information on recently completed projects, projects under construction, proposed projects, and the supply of potential development sites (including new subdivisions) and in-fill areas.

The five land use scenarios in the CTPAR are: (1) Base Case 2010, (2) General Plan Buildout, (3) Economic Development, (4) Urban Reuse/Opportunity Areas, and (5) Reduced Growth. The sources used to develop the different scenarios include the LUIS, ABAG Projections '94, data provided by local jurisdictions, San Francisco International Airport Master Plan Final EIR, and Economic & Planning Systems, Inc.

The Base Case 2010 Scenario projects the addition of 2,555 new households will be constructed in Half Moon Bay between 1990 and 2010 for a total of 5,692 households in the City. The scenario predicts 1,798 new households for this period in the unincorporated Mid-Coast region reaching a total of 5,367 by 2010. The growth forecasts for this scenario were specifically

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derived from planned development and vacant land capacity information provided by local jurisdictions.

The General Plan Buildout Scenario projects the buildout for Half Moon Bay as 7,196 total households, an increase of 4,059 units from the 3,137 units existing in 1990. Buildout for the unincorporated Mid Coast is projected as 5,367 households. The growth projections for this scenario are based on local jurisdictions' future land use designations, estimates of residential development and infill capacity and projected absorption to buildout.

The Economic Development Scenario is designed to test the effects of providing increased housing in the job center areas of the County above the level projected under the base case. This scenario reflects the addition of a total of 50,000 new households in the County by 2010, which is 18,000 more than the level projected by the Base Case 2010 Scenario. Through rezoning and redevelopment, new housing above the existing General Plan buildout levels would be provided in every subregional planning area *except* Half Moon Bay and the unincorporated Mid Coast. Under the Economic Development Scenario, the change in housing supply in these two coastal planning areas for the period between 1990 and 2010 would be reduced from the Base Case projections by 63-percent in the City and by 87-percent in the unincorporated areas. The number of households in 2010 would be reduced in this scenario to a total of 4,087 in the City and 3,811 in the unincorporated area.

The Urban Reuse/Opportunity Areas Scenario is designed to determine the effect of increasing land use densities in strategic areas. "Opportunity Areas" for this scenario are defined as areas that can support intensified development. This scenario assumes 8,000 additional households in Opportunity Areas than in the Base Case. This scenario, like the Economic Development Scenario, provides for increased housing development above the Base Case level in all planning subregions except for Half Moon Bay and the unincorporated Mid-Coast. This scenario projects the total number of households by 2010 as 3,958 in the City and 3,811 in the unincorporated area, representing 68-percent and 87-percent reductions in growth from that projected by the Base Case.

The Reduced Growth Scenario assumes reductions in both the increases in housing supply and employment. Key to this scenario is the assumption that job growth will be limited proportional to new households. This scenario projects the total number of households by 2010 as 3,958 in the City and 3,811 in the unincorporated Mid-Coast area – the same levels as the Urban Reuse Scenario.

Discussion – Regional Growth Projections

The growth projections assumed for the applicant's cumulative impact analysis are significantly lower than those contained in both the relevant general plans/land use plans and in the regional transportation plan. Based on the allowable buildout under the Half Moon Bay and San Mateo County LUPs, future traffic volumes are projected to be much greater than those used in the applicant's traffic analysis.

Table 1 below compares the buildout data contained in the LCPs updated with U.S. Census and California Department of Finance data to make it comparable to the information presented in the applicant's studies, the CTPAR, and the applicant's cumulative impact analysis (Fehr & Peers 2000a).

TABLE 1

Additional Housing Units after 2000					
Source	LCP 2010	LCP Buildout	CTPAR 2010	CTPAR Buildout	Applicant's study
Half Moon Bay	2,195	4,117	1,738	3,242	1,507
San Mateo Co. Mid-Coast	not available	3,438	1,679	1,679	799

HOUSING UNIT GROWTH PROJECTIONS

***Estimated levels based on update of 1990 levels using U.S. Census and California Department of Finance data.**

The discrepancy between the buildout projections in the major planning documents for the region and the assumptions used in the applicant's traffic studies profoundly affect the results of the cumulative impact analysis for the project. Using either the LCP or the CTPAR evidences greater congestion and lower levels of service at buildout in all the locations addressed in the Fehr & Peers report.

2.3.5 Traffic Volume Projections

Traffic generated by the proposed development will exceed the existing and future capacity of the area highways.

Trip Generation

Construction-related traffic has the potential to adversely affect local traffic circulation on Terrace Avenue and at the intersection of Terrace and Highway 1. Construction traffic associated with the proposed project will generate an average of 46-50 trips per day over an approximately 300-day construction period through the unsignalized Terrace Avenue/Highway 1 intersection (Fehr & Peers 2000b). This construction traffic represents a 1.6-percent increase over the current peak-hour traffic within the Highway 1 corridor north of North Main Street.

Assessment of the post-construction traffic impacts of the proposed development is based on estimated vehicle trip rates for a 150-unit development. The development will generate 152 new trips during the PM peak-hour and 142 new trips during the Saturday noon peak-hour (Fehr & Peers 2000a). These new trips represent an approximately 4.7-percent increase of traffic within the Highway 1 corridor north of North Main Street.

During the May 12, 2000 hearing for the proposed project, the Commission expressed concern that the applicant's figures seem too low and therefore directed the staff to review how the trip generation numbers were derived. The applicant's transportation consultant calculated vehicle trip rates for the project based on the Institute of Transportation Engineers publication *Trip Generation 5th Edition*. The methodology contained in the ITE Trip Generation Manual is widely accepted by transportation planners as the standard for determining vehicle trip generation rates. However, the Commission's transportation project analyst recalculated the vehicle trips that would be generated by the proposed project using the updated ITE Manual *Trip Generation 6th Edition*. Staff's calculations showed an additional four trips during the weekday PM peak hour and two additional trips during the Saturday noon peak hour for a revised total of 156 and 144 trips respectively. The difference between the applicant's and the staff's calculations regarding trip generation are insignificant and do not affect the results of the

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analysis of the impacts of the development to regional cumulative impacts to traffic. The staff's calculations are shown in Appendix B.

Applicant's Traffic Impact Analysis

The applicant's traffic study includes projected traffic volumes generated by the Pacific Ridge development based on four different site access alternatives (Fehr & Peers 2000a). Based on the above-described growth assumptions, the applicant's transportation consultant projects future traffic volumes as follows:

- Weekday PM peak-hour for Highway 1 between North Main Street and Terrace Avenue – 3963 trips (proposed project contributes 2.2 percent toward total).
- Saturday noon peak-hour for Highway 1 between North Main Street and Terrace Avenue – 4378 trips (proposed project contributes 2.6 percent toward total).
- Weekday PM peak-hour for Highway 92 between North Main Street and [proposed] Foothill Boulevard – 2987 trips (proposed project contributes 2.0 percent toward total).
- Saturday noon peak-hour for Highway 92 between North Main Street and [proposed] Foothill Boulevard – 3053 trips (proposed project contributes 1.1 percent toward total).

Using these cumulative traffic increase forecasts, the applicant's transportation consultant reaches the following conclusions. If all of the Highway 1 and 92 improvements described above are constructed, all intersections on Highway 1 north of North Main Street and Highway 92 between Highway 1 and [proposed] Foothill Boulevard would operate at acceptable levels of service LOS A-D, and the project would not therefore result in significant cumulative traffic impacts.

The applicant's analysis shows that without the roadway improvements, all of the Highway 1 intersections would operate at LOS F. Under this scenario, the applicant concludes that the project would result in significant cumulative impacts to traffic. The applicant also notes that even without the roadway improvements, significant cumulative traffic impacts could be avoided if access to the project site were provided via either Foothill Boulevard or a combination of both Foothill and Bayview.

However, as discussed above, the growth projections used for the applicant's cumulative impact analysis does not comport with either of the methods to calculate cumulative impacts that are identified in CEQA. Thus, the conclusions reached in the applicant's analysis regarding the cumulative impacts of the development on traffic underestimate future growth because all probable future projects as defined by CEQA have not been included.

Countywide Transportation Plan Traffic Projections

The CTPAR considers eighteen transportation scenarios to test how well additive groups of projects relieve congestion. Six primary transportation scenarios were developed to test the effects to regional traffic congestion of additive groups of transportation improvement projects cumulatively. Twelve secondary transportation scenarios were developed to allow more detailed analysis of improvements to a single transportation mode. For purposes of evaluating the potential cumulative impacts of the proposed development, the Commission assumes the maximum level of transportation improvements considered under the CTPAR as described in Transportation Scenario 6c.

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CTPAR Transportation Scenario 6c assumes that all contemplated highway and transit improvements throughout the County are constructed, including the Devil's Slide bypass, Highway 92 widening and intersection improvements within Half Moon Bay, curve corrections, shoulder widening, slow vehicle passing lane for the section of Highway 92 east of Half Moon Bay to Highway 280, and public transit improvements to Caltrain, BART, and bus services. The CTPAR does not consider transportation improvement projects that are not planned or programmed such as widening and/or intersection improvements to Highway 1 within the Half Moon Bay City Limits.

The CTPAR combines the five land use and eighteen transportation scenarios to test a total of nine primary and 14 secondary alternatives to test the effects of various combinations of land use and transportation scenarios using the Travel Demand Forecasting Model. The Travel Demand Forecasting Model was developed using interactive transportation planning software to be consistent with the Metropolitan Transportation Commission's (MTC) regional travel demand forecasting model. The model consists of four main components: (1) trip generation, (2) trip distribution, (3) modal split, and (4) trip assignment. These are the typical components found in models designed to simulate travel demand based on different assumptions about land use, demographics and transportation system characteristics. The modal split component of the model was refined in 1994 and 1995 to provide a finer level of detail than the MTC model.

The nine primary alternatives analyze transportation improvements under different land use assumptions that impact all modes of transportation. The secondary alternatives assess the effects of improvements that impact only one transportation mode. Primary Alternative 6c combines Transportation Scenario 6c (maximum improvements) with the Land Use Scenario 1 (Base Case 2010). This transportation scenario is intended to show the congestion levels that will exist in 2010, even with \$3.2 billion in transportation system improvements, without substantial land use and zoning changes.

Exhibit 12 shows the projected year 2010 volume to capacity (v/c) ratios during the PM peak-hour on Highways 1 and 92 under Alternative 6c. A v/c ratio of greater than 1.00 is the equivalent to LOS F. As shown in Exhibit 12, significant portions of Highway 1 north of Highway 92 will operate at v/c ratios in excess of 1.00 in both the north and southbound directions, including most of the City of Half Moon Bay. The PM peak-hour v/c ratio for westbound Highway 92 is projected under Scenario 6c to exceed 2.00 for most of the corridor east of the City to Highway 280. Thus, the CTPAR shows that even with the maximum level of transportation system investment, traffic volumes on both highways is projected to be far in excess of capacity, if residential and commercial development proceed as projected, within the limits of the City and County LCPs. It is also important to note that the Base Case 2010 land use scenario used for this alternative assumes less growth than the level allowable under the City and County LCPs and under Half Moon Bay's Measure A growth limits.

Discussion – Traffic Volume Projections

As discussed above, the applicant's transportation analysis does not comport with either of the methods to calculate cumulative impacts that are identified in CEQA. Consequently, the conclusions reached in the applicant's analysis regarding the cumulative traffic impacts of the project underestimate housing growth compared with the City and County Land Use Plans and the CTPAR.

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In an October 19, 2000 memo, the applicant's transportation consultant asserts that CTPAR Transportation Alternative 6c does not accurately project future traffic congestion for the region because it overestimates population growth within the City of Half Moon Bay and does not account for improvements to the Highway 1 corridor within the City (Fehr & Peers 2000c). The applicant challenges the Scenario 6c growth projection based on the assertions that it does not consider the annual population growth restrictions under Half Moon Bay Measures A and D or limited water availability (Fehr & Peers 2000c).

Growth Restrictions

LUP Policy 9.4, Residential Growth Limitation, limits the number of new dwelling units that the City may authorize to that necessary to allow an annual population growth of no more than 3-percent. LUP Table 9.3, *Phasing Schedule to Year 2020 Based on Maximum of 3% Annual Population Growth*, forecasts a total of 6,149 households in the City in the year 2010. Scenario 6c is based on a forecast of 5,692 households in 2010. Thus, contrary to the applicant's position, Scenario 6c underestimates potential growth under Measure A.

City of Half Moon Bay voters passed Measure D in November 1999, imposing a 1-percent annual population growth limit within the City (with an additional 0.5-percent allowed in the downtown area). Measure D is intended to replace the existing 3-percent growth restriction under Measure A. Litigation challenging the legality of Measure D was filed shortly after its passage. The lawsuit has been stayed pending Coastal Commission approval of an LCP amendment to enact the measure. On November 14, 2000, the Half Moon Bay City Council considered If Measure D is enacted and withstands legal challenge, the new 1.5-percent growth restriction would become effective. However, before it is effective, and particularly before the litigation concerning its legality has concluded, the Commission finds that it is premature to assume a 1-percent³ annual population growth limit for purposes of evaluating the cumulative impacts of the proposed development as suggested by the applicant.

Land Use Scenario 1 is the only scenario used in the study that estimates 2010 housing levels under current zoning and growth restrictions. The reduced 2010 housing levels in Half Moon Bay and the Mid-Coast estimated under Land Use Scenarios 3, 4 and 5 all assume land use plan and zoning changes to significantly reduce future development in the City and the County. It would be inappropriate to use these scenarios for a cumulative impact analysis before such plan changes have occurred.

Notwithstanding the previous discussion, even if Measure D does go into effect in the future, it will only serve to slow growth within the incorporated area of Half Moon Bay. Measure D will not reduce the level of growth at LCP buildout within the City and will not slow the growth in areas outside of the City Limits.

Water Availability

The applicant asserts that limited water availability will limit housing growth below the levels predicted under Land Use Scenario 1 and the LUPs. The applicant's discussion of water availability is limited to the statement that "According to Blaire King (City Manager, Half Moon Bay) there are only about 800 available water hook-ups for the San Mateo Coast including Half

³ The applicant's transportation consultant does not consider the additional 0.5-percent growth allowable in the downtown area.

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Moon Bay.” This statement is based on a memo that states that as of May 1997, approximately 800 non-priority and 1,100 priority water connections from the Crystal Springs water supply project remained uninstalled (pers. com. Blaire King 11/13/00).

The Coastside County Water District (CCWD) provides water service for a portion of the San Mateo County coast, including Half Moon Bay, El Granada, Miramar and Princeton-by-the-Sea. The Crystal Springs project, completed in 1994, serves the southern portion of the CCWD service area. The northern portion is served by the Denniston Creek project. The District also operates seasonal wells on Pilarcitos Creek and purchases water from the San Francisco Water Department’s Pilarcitos and Upper Crystal Springs reservoirs.

The CCWD does not supply water to the South Coast area or the Mid-Coast areas north of Miramar including Montara. Water service in Montara is supplied by the Citizen’s Utility District and private wells. The South Coast area is served by private wells and some small private reservoirs. Both the County and City LCPs allow private wells and new wells to continue to be drilled to serve some new development in the region.

The applicant’s contention that only 800 water connections are available to serve new development on the San Mateo Coast is inaccurate. Moreover, if water supply becomes a constraint on growth in the future, nothing prohibits upgrades to the water supply system to meet demand. This was in fact the reason that the CCWD constructed the Crystal Springs project. At this time, the CCWD’s water transmission system is more of a constraint to growth than water supply.

Consequently, the CCWD is currently contemplating expansion of the transmission system. On October 19, 1999, the San Mateo County Board of Supervisors approved a CDP application from the CCWD to upgrade the El Granada transmission pipeline from the existing 10-inch line to a 16-inch line. The County approval of this project was appealed to the Coastal Commission. On February 18, 2000, the Commission found that the appeal raised a substantial issue, in part, because the approved 16-inch pipeline may exceed the capacity necessary to serve the level of buildout of all uses – priority and non-priority – provided for during LCP Phase I, and could therefore be growth inducing. The CCWD has requested that the Commission postpone action on the de novo portion of this appeal to allow the District to re-evaluate the appropriate level of transmission system upgrades necessary to serve Phase I buildout. The District has indicated in a letter to the Commission its intention to seek final approval of system design and implementation plan that satisfy the LCP requirements and meet the community’s needs for water quality and availability.

For the reasons discussed above, the Commission cannot rely on the applicant’s assertion that limited water supply will constrain growth in Half Moon Bay and the County below the levels projected in the CTPAR and the LUPs.

Highway 1 Improvements

The applicant’s transportation consultant points out that the CTPAR does not consider the effects to traffic congestion of the Highway 1 widening and intersection improvements between North Main Street and Kehoe Avenue. The applicant’s traffic analysis relies on these improvements to offset traffic impacts of the development and shows that without the widening and intersection improvements, the project will result in significant adverse impacts. The improvements proposed by the applicant to be provided as a part of the project are installation of a traffic signal

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at the Terrace Avenue/Highway 1 intersection and widening of Highway 1 to four lanes from North Main Street to 400 feet north of Terrace Avenue. As discussed on page 10 of this report, these improvements, along with other Highway 1 improvements in the City remain at an early stage of planning without funding, environmental review or regulatory approvals. The applicant cannot guarantee that if the project is approved, these improvements will actually be constructed. Thus, the Commission cannot rely on these potential Highway 1 improvements to mitigate the impacts to regional traffic congestion caused by the proposed development. Even if the section of Highway 1 from North Main Street to 400 feet north of Terrace Avenue is widened and the traffic signal is installed at Terrace Avenue, significant sections of both Highway 1 north of the City and Highway 92 east of the City will continue to operate at LOS F or worse. Highway improvements to this small section of roadway within the City will do little to mitigate the impacts of traffic congestion caused by new development to coastal visitors.

2.3.6 Scope of Cumulative Impact Analysis

The applicant's cumulative impact analysis is too narrow in its scope.

Consideration of project impacts at a regional level is expressly required under the CEQA Regulations concerning cumulative impact analysis. In addition to underestimating growth, the applicant's cumulative impact analysis fails to consider the impacts of the development to traffic congestion at a regional level. The analysis contained in the Fehr & Peers report is based on forecasted operation of six intersections within the City, representing a very limited portion of the affected roadways. However, the project's contribution to the cumulative loading of coastal roads is not limited to these intersections. The analysis assumes that Highway 92 will be widened to four lanes between Highway 1 and the City limit, but it does not present an analysis of the cumulative impact of traffic east of the City limit where Highway 92 will remain two lanes. It also does not analyze the impact where Highway 1 will remain two lanes within the urban area, even after the assumed widening in the vicinity of the project, nor Highway 1 in the rural area north and south of the City where Coastal Act Section 30254 requires that it remain two lanes. Highways 1 and 92 are the only roads available to reach this part of the coast. An analysis of the contribution of the project to potential bottlenecks on these coastal arteries is essential in evaluating the potential cumulative impacts of the proposed development.

As discussed above, the applicant concludes that with the Highway 1 and 92 improvements contemplated by the City, the six studied intersections would operate at acceptable levels and that the project would not therefore result in cumulative traffic impacts. However, the CTPAR shows that even with the maximum investment of \$3.2 billion in highway and transit improvements, the regional level of service on Highways 1 and 92 will be significantly worse than the current unacceptable levels, *even with growth control measures in place*.

The applicant's transportation consultant provides the following reasons for not incorporating the CTPAR conclusions into its analysis (Fehr & Peers 2000a):

- *The environmental analysis required that intersection operations be analyzed, requiring traffic projections down to individual turning movement. By loading traffic to the road network from only two TAZs [Traffic Analysis Zones], the countywide model is not able to accurately reflect traffic flow at the intersection level.*

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- *The countywide model does not contain the road network necessary to evaluate operations at secondary intersections within Half Moon Bay (i.e., Terrace, Grandview, and Bayview).*
- *In determining link levels of service, the countywide model does not take consider [sic] lane channelization, intersection control, signal timing and phasing, etc.*

In other words, the CTPAR analysis addresses broad-scale, regional impacts, whereas the Fehr & Peers analysis addresses specific intersections nearby the development site and a small section of the Highway 1 corridor.

While it is accurate to note that the CTPAR does not include analysis of the operation of secondary intersections, it does provide a very detailed analysis throughout the highway corridors and accounts for both lane widening and intersection improvements. The fact that the CTPAR does not study individual intersection operations does not invalidate its relevance in evaluating the regional cumulative traffic impacts of the proposed development.

The applicant suggests that CTPAR Alternative 7 best predicts future traffic congestion for the region. Alternative 7 is based on Transportation Scenario 6 and Land Use Scenario 3. As discussed above, Land Use Scenario 3 (Economic Growth Scenario) assumes a total of 4,087 households for the City of Half Moon Bay in 2010. Based on the January 2000 California Department of Finance population and housing estimates, there are currently approximately 3,954 households in the City. Thus, the growth level assumed under Land Use Scenario 3 would allow construction of a total of approximately 133 households within the City between 2000 and 2010. This level of development would represent an annual housing growth rate of approximately 0.34-percent within the City for the next ten years, a rate far lower than those allowable under either Measures A or D. Land Use Scenario 3 assumes even greater reductions in growth in the unincorporated areas of the County's Mid-Coast, with a reduction of 87-percent that expected under the Base Case. Currently, there are no growth reduction measures in effect in the County Mid-Coast. It is highly improbable that such low growth rates will be realized in either the City or the County areas for the period from 2000 to 2010. Therefore, the housing growth rates assumed in developing CTPAR Alternative 7 are not appropriate for use in assessing the potential impacts to regional traffic congestion levels of the proposed development.

2.3.7 Traffic Impacts to Public Access and Visitor Serving Uses

Traffic congestion resulting from the proposed subdivision will interfere with the public's ability to access the coast.

LUP Policy 9-4 requires that development shall be served with adequate services and that lack of adequate services shall be grounds for denial of a development permit or reduction in the density otherwise allowed under the LUP.

Section 10.4.4 of the City's LCP states that:

- The Coastal Act requires that road capacity not be consumed by new, non-priority developments, at the expense of adequate service for priority uses, such as public recreation and visitor-serving commercial uses.
- The major issue involves potential conflict for transportation capacity between new residential development and reservation of adequate capacity for visitor travel to Coastsides beaches.

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LCP Policy 10-4 reserves public works capacity (including highway capacity) for priority uses to ensure that this capacity is not consumed by other development, and controls the rate of permitted new development to avoid overloading public works and services. In addition, the City adopted Coastal Act Sections 30210 and 30252 as guiding policies to the LCP. These policies require that development shall not interfere with the public's ability to access the sea, the location and amount of new development should maintain and enhance public access to the coast, and that new development be located in areas with adequate public services where it will not have a significant adverse effect, either individually or cumulatively, on coastal resources. Moreover, pursuant to LUP Policy 9-4, lack of adequate services shall be grounds for denial of a development permit or reduction in the density otherwise allowed under the LUP.

The Half Moon Bay shoreline includes approximately 4.5 miles of heavily used publicly owned beach. As the population of the greater San Francisco Bay area continues to grow, use of the Half Moon Bay beaches is expected to increase. The congestion on Highways 1 and 92 is currently at a level that significantly interferes with the public's ability to access the Half Moon Bay shoreline. Approval of new subdivisions in the area would increase the level of development beyond that required to be allowed under the current parcelization. Such action would further interfere with the public's ability to access the San Mateo coast, would consume road capacity for a non-priority use, and would locate development in areas with inadequate services creating a significant adverse impact on coastal resources in conflict with the above cited policies.

2.3.8 Land Use Controls

The San Mateo County Congestion Management Plan (CCAG 1998) states that one of the key contributors to traffic congestion in the County is the imbalance between the number of people who work in the County and the County's housing supply. For most communities in the County, the problem is a shortage of housing near job centers. However, in the County mid-coast region including Half Moon Bay, the problem is reversed. It is primarily because the Mid-Coast housing supply far exceeds the job supply that commuter traffic congestion on Highways 1 and 92 is at its current state. The CMP finds that based on projected job growth the 2010 housing supply in the City will exceed local housing needs by 3,235 units. The CMP shows that given expected job growth rates, only 315 additional housing units above the 1990 level will be needed in the City by 2010. Additional job growth above that projected in the City could help to alleviate this imbalance. Congestion management dictates that the County's housing supply needs should be addressed by providing additional housing in the job centers of the County and not in the Mid-Coast area.

According to the data contained in Table 9.1 of the Half Moon Bay LUP, there are currently approximately 2,500 existing subdivided small lots that could potentially be developed under the LUP. These include 2,124 to 2,189 in-fill lots in existing residential neighborhoods and 325 to 340 lots in undeveloped "paper subdivisions." Many of these existing lots, particularly those in "paper subdivisions" do not conform with current zoning standards, and their development potential is unclear. Assuming *arguendo* that some of these lots are legal lots, constitutional principles upheld by the U.S. Supreme Court guarantee that an owner's land shall not be taken from them without just compensation. In accordance with this principle, Coastal Act Section 30010 provides:

The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.

However, while the owners of legally subdivided lots are entitled to a reasonable economic use of their existing legally subdivided lots, the Commission is not obligated to create additional lots.

Buildout of the existing already subdivided small lots within the City could provide for as many as 2,529 new housing units, exceeding the City's 2010 housing supply need by 2,214 units (based on expected job growth) according to the County CMP. The Pacific Ridge Development site is made up of two existing lots. Given the inability of the area's highways to serve the potential development of the existing subdivided lots within the City, the Commission cannot, consistent with the policies of the LCP, approve new subdivisions that would serve to further increase the potential buildout of the area.

One way in which the impacts of new subdivisions within the City to the highway congestion could be avoided is through a transfer of development rights (TDR) program. A TDR program (also known as transfer of development credit) could allow the overall buildout level within the City to be reduced by transferring the development rights of existing undeveloped small lots to unsubdivided areas. Such a program in the City could be used to retire the development potential of the many non-conforming lots in "paper subdivisions" and in existing neighborhoods. Such a program could facilitate more appropriate planning to allow development in areas more suitable for residential uses while preserving open space for public access, viewshed, and habitat protection.

In December 1999, the City Manager presented a "Draft Preliminary Assessment of the Feasibility of Establishing a TDR Program in Half Moon Bay" to the City Council. The report presented to the City Council recommended that after additional research concerning primarily an evaluation of the supply of potential "donors" and "receivers" for TDR credits, the City could consider the TDR Program as a part of its General Plan/LCP update.

2.3.9 Conclusion

Current traffic volumes in numerous bottleneck sections of both highways within the City and in the broader county region exceed maximum capacity with a v/c ratio worse than LOS F. The CTPAR, which represents the most comprehensive regional transportation study undertaken for the area, finds that even with the maximum level of investment in transit and highway improvements, congestion in the Mid-Coast region of the County will continue to increase over the next decade. The resulting traffic volumes on both Highways 1 and 92 will greatly exceed the capacity of these roadways. The proposed development will significantly contribute to the existing traffic congestion, adversely impacting the public's ability to access the coast for priority uses such as public access and recreation.

The LUP contains several policies that require new development to be served by adequate road facilities to serve priority uses such as public access and recreation, including Policies 9-2, 9-4, 10-4, and 10-25. These LCP policies carry out the requirements of Coastal Act Sections

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30250(a) and 30252, which the City has adopted as guiding policies to the LCP. Section 30250(a) requires that new development be located in areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. Section 30252 states that the amount and location of new development should maintain and enhance public access to the coast. LUP Policy 9-4 requires that development shall be served with adequate services and that lack of adequate services shall be grounds for denial of a development permit or reduction in the density otherwise allowed under the LUP. Policy 10-4 states that the City shall reserve public works capacity for priority land uses including public access and recreation from consumption by other non-priority uses such as residential development. LUP Policy 10-25 designates LOS C as the desired level of service on Highways 1 and 92 except during the weekday and weekend peak-hours when LOS E may be accepted. The proposed subdivision would create additional demand on area highways for a non-priority use far in excess of their current and future capacity. In accordance with the requirements of the LCP, the proposed subdivision must be denied because it does not fully mitigate the impacts of such development to regional traffic congestion.

Because adequate road capacity will not be available to serve the development upon completion, the Commission denies CDP Application A-1-HMB-99-022 on the basis that the proposed development is inconsistent with LUP Policies 9-2, 9-4, 10-4, and 10-25 and with Coastal Act Sections 30210, 30250(a), and 30252.

2.4 Project Site Access

The development will not be served upon completion with adequate road facilities as required by the LCP.

2.4.1 Issue Summary

Both the LCP and the City's General Plan Circulation Element contemplate the future construction of Foothill Boulevard and/or Bayview Drive access to provide street access to the project site. Neither of these roads have been constructed and the applicant cannot assure at this time that construction of either of these streets will ever occur. Therefore, the applicant proposes access to the site via Terrace Avenue, an existing street that dead-ends at the west side of project site. As a part of this proposal, the applicant will provide funding for the installation of a traffic signal at the Terrace Avenue/Highway 1 intersection and for widening 400 feet of the highway to either side of this intersection.

The residents of the existing neighborhood along Terrace Avenue are concerned that the additional traffic from the Pacific Ridge Development will exceed the design capacity of this street and will create a safety hazard.

2.4.2 LCP Standards

LUP Policy 9-2 specifies that no permit for development shall be issued unless a finding is made that such development will be served upon completion by adequate road facilities. LUP Policy 9-4 states that (1) all new development shall be accessed from a public street or have access over private streets to a public street, (2) development shall be served with adequate services and that lack of adequate services shall be grounds for denial of a development permit or reduction in the density otherwise allowed under the LUP, (3) that the applicant shall assume full responsibility for the costs for service extensions or such share as shall be provided through an improvement or

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assessment district for required service extensions, and (4) that prior to issuance of a development permit, the Planning Commission or City Council shall make the finding that adequate services will be available to serve the proposed development upon its completion. These policies are implemented by Zoning Code Section 18.20.070, which states in relevant part:

18.20.070 Findings Required. *A Coastal Development Permit may be approved or conditionally approved only after the approving authority has made the following findings:*

...

D. Adequate Services. *Evidence has been submitted with the permit application that the development will be provided with adequate services and infrastructure at the time of occupancy in manner that is consistent with the Local Coastal Program...*

LUP Policy 9.3.7(f) requires construction of the portion of Foothill Boulevard located within the PUD area as a part of the development.

2.4.3 Discussion

The project site is located approximately 3,300 feet north of Highway 92 and approximately 2,000 feet inland of Highway 1, and is separated from these highways by both developed and undeveloped areas. Terrace Avenue, which currently serves the Grandview Terrace neighborhood with a connection to Highway 1 to the west, is the only existing road connection to the project site. The LUP Map shows proposed future access to the site via Foothill Boulevard, which would run north from Highway 92 linking with the project site and with existing roadways. According to City planning staff, the currently preferred alternative access road to the development is Bayview Drive. Each of the alternative roadway connections to the project site are shown on Exhibits 2 and 3.

Foothill Boulevard

The Circulation Element of the City's General Plan shows Foothill Boulevard as a planned route to serve the neighborhoods to the north of Highway 92 and inland of Highway 1 including the Pacific Ridge Development site. Pursuant to this plan, Foothill would be designed as a four-lane arterial street with a median, bicycle lanes, and sidewalks. The Circulation Element defines arterial streets such as this as "Limited Access Facilities" designed to carry traffic from collector streets and to and from other parts of the City. The design criteria for Limited Access Facilities specify that direct access to abutting property shall be minimized. In accordance with this design criterion, LUP Policy 9.3.7(f) prohibits direct driveway access from lots within the Pacific Ridge Development to Foothill, and LUP Policy 10-31 requires developers of property along the planned alignment of Foothill Boulevard to participate in an assessment district to provide funding necessary to construct this roadway.

The project was initially designed with the primary access via Foothill Boulevard as specified in the LCP. However, the environmental review process undertaken for the City's approval revealed that the proposed alignment of Foothill Boulevard would encroach into wetlands. The City of Half Moon Bay LCP prohibits construction of roads within 100 feet of a wetland. According to a preliminary biological study conducted for the Draft EIR prepared for the City for the proposed construction of Foothill Boulevard, it appears that Foothill can be realigned to

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avoid wetlands. However, no final environmental review has been certified for this proposed new alignment.

The applicant, the appellants, and City staff have all indicated that the Half Moon Bay community supports the deletion of Foothill Boulevard from the Circulation Element of the City's General Plan as approved in 1992. Consistent with this preference, the Planning Commission recommended revisions to the 1992 Circulation Element that include elimination of Foothill Boulevard in draft circulation element revisions considered in September 1999. These draft revisions have not been finalized or approved by either the City or the Coastal Commission and are therefore not effective at this time. Nevertheless, while they are not a part of the legal standard of review for the proposed project, the information contained in the draft revisions is relevant background for the Commission's consideration of this permit application.

Because of the outstanding issues concerning wetlands and the potential that the City may revise its General Plan and LCP to eliminate Foothill Boulevard, the applicant amended the original project plans to include only the portion of Foothill located within the project site with no connection to Highway 92 to the south. For purposes of the proposed project, Foothill would therefore serve as a residential street only, not as an arterial street. Nevertheless, the applicant has proposed to construct this portion of Foothill consistent with the design criteria specified for arterial streets, with no direct driveway access to any of the proposed lots. While only two lanes are proposed at this time, the project plans provide an 80-foot right-of-way sufficient to provide four lanes on this portion of Foothill consistent with the design contemplated in the 1992 Circulation Element and the certified LCP. Notwithstanding the applicant's proposed improvements, however, the Commission cannot find that the proposed development will be served by Foothill Boulevard as contemplated in the certified LCP.

Bayview Drive

Bayview Drive is a proposed street that would be located on the Beachwood subdivision project site directly west of the Pacific Ridge property. Bayview Drive could potentially connect the Pacific Ridge site to Highway 1 to the north of Terrace Avenue through the Beachwood property. The applicant proposes to use Bayview Drive if constructed as the primary access road to the development from Highway 1. However, the City recently denied a coastal development permit application for development of the Beachwood subdivision project. The Beachwood project included the construction of Bayview Drive. The owners of the Beachwood property have no incentive to pursue construction of Bayview Drive in the absence of an approval for the subdivision. The City could exercise eminent domain to acquire the Bayview alignment. However, at this time, the City has not indicated that it intends to pursue condemnation for the road. Therefore, Bayview Drive is not proposed as the access road to the Pacific Ridge site.

Terrace Avenue

Since the applicant cannot construct either Foothill Boulevard or Bayview Drive at this time, the sole access proposed to the Pacific Ridge Development is Terrace Avenue. Terrace Avenue is an existing road running east from Highway 1 to a dead end that abuts the western boundary of the Pacific Ridge property. The applicant proposes to provide both construction and post-construction access to the site via Terrace Avenue, connecting the project site to Highway 1 to the west.

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Residents of the Grandview Terrace neighborhood are concerned that the additional traffic generated by the proposed development will exceed the capacity of Terrace Avenue, resulting in both congestion and safety hazards.

The unsignalized Terrace Avenue/Highway 1 intersection currently operates at LOS F due to delays caused by left turn movements from Terrace to southbound Highway 1. The applicant proposes to minimize the impacts of construction traffic to local traffic circulation by avoiding peak hour trips and through the following additional measures:

- Construction equipment and worker vehicles will be staged and parked on the project site.
- The applicant will notify the City 24 hours in advance if more than 25 worker vehicles are to exit the site during the PM peak-hour, and reimburse the City for the cost of any resulting traffic controls at the intersection of Terrace Avenue and Highway 1.
- The applicant will maintain Terrace Avenue free of dirt and debris throughout project construction.
- Heavy construction vehicles will access the site during non-peak hours.
- The applicant will install speed bumps on Terrace Avenue.

As stated above, the completed development will generate 156 new trips during the PM peak-hour and 144 new trips during the Saturday noon peak-hour. These new trips represent an approximately 4.7-percent increase of traffic within the Highway 1 corridor north of North Main Street. The applicant proposes to mitigate the post-construction traffic impacts by:

- providing approximately \$1 million to the City towards the Highway 1 improvements described in Section 2.3.3 above,
- installing a traffic signal at the Terrace Avenue/Highway 1 intersection at such time that Caltrans determines that the “signal warrants” are met⁴,
- widening Highway 1 for a distance of 400 feet on either side of the Highway 1/Terrace Avenue intersection to provide an additional northbound lane prior to occupancy of the residences, and
- at such time that an alternative access to the site is constructed in the future (i.e., Bayview Drive), the applicant proposes to remove the traffic signal at Terrace Avenue and convert Terrace to an emergency vehicle only access with knockdown barriers at the entrance to the project site.

The applicant’s transportation consultant has determined that these measures would improve the operation of the Highway 1/Terrace Avenue intersection from the current LOS F to LOS A (Fehr & Peers 2000b). These measures would substantially contribute toward the completion of the City’s proposed \$3 million Highway 1 improvement plan.

Although the proposed signalization would improve left turn movements into and out of Terrace Avenue, it would interrupt flow of through traffic on Highway 1. The distance between the currently signalized North Main Street/Highway 1 intersection and Terrace is approximately 1,000 feet. Spacing signalized intersections on Highway 1 this close could increase congestion

⁴ A signal warrant is granted by Caltrans upon a determination that the signal is needed at the intersection.

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on the highway because of insufficient “stacking” space on the highway. Better intersection spacing would be accomplished through the provision of Bayview Drive, located approximately 2,000 feet to the north of Terrace, as the consolidated signalized intersection north of North Main Street. Both the City’s existing General Plan Circulation Element and the proposed revised Circulation Element show Bayview Drive as an arterial street with a signalized intersection at Highway 1, and both plans show Terrace Avenue as a neighborhood street without a traffic signal.

The applicant addresses this issue by proposing to remove the signal at Terrace at such time that Bayview Drive is constructed. However, as discussed above, neither the City nor the applicant possess the property rights necessary to construct Bayview. In addition, the City has neither conducted the environmental review nor granted the permits necessary for the construction of Bayview, the Highway 1 improvement project, or the signalization of the Terrace Avenue intersection. Thus, the feasibility of each of these proposed mitigation measures remains in question at this time.

2.4.4 Conclusion

The applicant proposes to provide the improvements to the Terrace Avenue/Highway 1 intersection and widening of Highway 1 that are necessary to serve the development prior to occupancy of the homes. Although this commitment attempts to address the requirements of the LCP, it does not fully satisfy LUP Policies 9-2 and 9-4 or Zoning Code Section 18.20.070.D. These policies require that in order to approve or conditionally approve the permit application, the Commission must first find that evidence has been submitted with the permit application that demonstrates that the development will be served with adequate road facilities at the time of occupancy in manner that is consistent with the Local Coastal Program. The Commission interprets this requirement to mean that evidence provided with the permit application must provide assurance that the required infrastructure will actually be available to serve the proposed development. This interpretation is supported by the language used in LUP Policies 9-2 and 9-4, which both require services to be available “upon completion” of the development. The use of the term “prior to occupancy” in the Zoning Code’s implementation of these policies is intended to provide a deadline by which the improvements must be completed. However, this deadline does not eliminate the additional requirement that development actually demonstrate that the required infrastructure will actually be available to serve it before the development is approved. The Commission needs more than the applicant’s commitment that the project will not be occupied until services are available. In this case, where the availability of adequate services for the development is contingent on future improvements, the Commission must have reasonable assurances that the service improvements are feasible and will be approved and constructed.

Given these factors, the permit application does not provide sufficient assurances that the improvements to Terrace Avenue and Highway 1 will be constructed. Until such time that a coastal development permit has been granted for the improvements and financial commitments necessary to carry them out have been made, the Commission cannot make the findings required to approve the proposed subdivision. Therefore, the Commission denies the permit application because the proposed development does not meet the requirements of LUP Policies 9-2 and 9-4 and Zoning Code Section 18.20.070.D.

2.5 Biological Report

The Commission denies the permit application because the applicant has not provided a Biological Report that fully describes and maps all sensitive resource areas on and within 200 feet of the project site in accordance with the requirements of the LCP.

2.5.1 Issue Summary

The project site contains environmentally sensitive habitat areas (ESHA) as defined in the LCP including wetlands, riparian areas and sensitive habitat areas. The site is located within an area mapped as a Significant Natural Area by the California Department of Fish and Game. This designation is intended to identify high-priority sites for the conservation of the State's biological diversity.

The LCP contains specific standards for the type of biological information required to be provided for coastal development permit applications for development with potential adverse impacts to environmentally sensitive areas. This information is vital to the determination of whether a proposed development conforms to the biological resource protection policies of the LCP.

2.5.2 LCP Standards

LUP Policy 3-5(a) requires all coastal development permit applicants proposing development in and adjacent to sensitive habitat areas to prepare a biological report by a qualified professional selected jointly by the applicant and the City to be submitted prior to development review. Zoning Code Section 18.38.035.A further specifies that a biological report shall be completed as a part of any permit application for development within 100 feet of any sensitive habitat area, riparian corridor, or wetland. Both of these policies, along with Zoning Code Section 18.38.030, specify the procedures for the preparation and the required contents of such a report, which include⁵:

- describe and map existing sensitive habitats, riparian areas, and wetlands located on or within 200 feet of the project site,
- for areas containing rare and endangered species habitat, define the specific requirements of the species including (for animals) predation, foraging, breeding, migration, water, nesting or denning sites, and (for plants) life histories, soil, climate, and geographic requirements,
- be prepared by a qualified biological consultant selected by the City and paid for by the applicant,

2.5.3 Discussion

The biological information collected for the project site is contained in the following documents:

July 1986 Biological Inventory and Sensitivity Analysis prepared for Ailanto Properties by Western Ecological Services Company (WESCO 1986)

The WESCO 1986 biological inventory identified some, but not all of the wetland areas presently delineated on the site, identified coastal scrub habitat in the uncultivated/plowed eastern portion of the site, and documented the presence of sensitive species including: a pair of

⁵The full text of these zoning code provisions, which contain additional requirements to those listed here, is contained in Appendix A.

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red tailed hawks, a nesting great horned owl, and migrating waterfowl. The WESCO report states that the site contains suitable habitat, including a former irrigation pond, for several threatened and endangered species, including the San Francisco garter snake, the red-legged frog, California tiger salamander, and western pond turtle. The WESCO biological inventory included an April 1986 survey for San Francisco garter snakes. This survey was conducted by walking transect lines. Live trapping was not used for this survey. The report concludes that because "Site examination in the spring of 1986 and summer of 1987 revealed no rare or endangered plants or wildlife on the Dykstra Ranch property, it can be assumed that the proposed development would have no direct impact on rare and endangered species." The Environmental Impact Report (EIR) also states that suitable habitat for a number of sensitive species may have occurred on the site prior to 1985, but that cultivation had eliminated the natural vegetation that would have constituted sensitive species habitat.

April 1990 Final EIR for the Dykstra Ranch Development prepared for the City by Western Ecological Services Company (HMB 1990);

The biological information contained in the project EIR is primarily based on the WESCO 1986 biological inventory prepared for the applicant. The EIR references the survey conducted by the consultant in April 1986 to determine the presence or absence of the San Francisco garter snake on the site. As stated above, this survey did not include live trapping. As with the WESCO 1986 inventory, the EIR states that no other species for which the site provides suitable habitat were found but does not describe the survey techniques used to make this determination.

December 1997 Wetland Mitigation and Monitoring Plan prepared for Ailanto Properties by Resource Management International (RMI 1997)

The wetland delineation conducted by RMI in June 1997 did not accurately describe the full extent of wetlands on the site in accordance with the definition of wetlands contained in the Half Moon Bay LCP. The wetland delineation was subsequently revised to conform to the LCP definition as discussed below.

The RMI mitigation and monitoring plan states that based on information provided in the project EIR and field surveys conducted by RMI in June 1997, no special status plant species have been identified on the site. The RMI report also states that no protected wildlife species have been documented on the site. This conclusion is based on the surveys conducted by WESCO in 1986 and 1987, and on surveys conducted by RMI in July and August 1997 for California red-legged frogs.

November 1998 U.S. Fish and Wildlife Service formal consultation to the U.S. Army Corps of Engineers (USFWS 1998)

The project, as originally proposed, included approximately one acre of wetland fill and therefore required a fill permit from the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act. In March 1998, the Corps initiated formal consultation with the U.S. Fish and Wildlife Service (USFWS) concerning potential impacts resulting from the proposed development to the federally endangered San Francisco garter snake and threatened California red-legged frog. Consequently, the USFWS prepared a Biological Opinion for the Corps, in accordance with Section 7 of the Endangered Species Act. The Biological Opinion was based on information provided in the 1987 RMI site assessment and surveys and corresponding mitigation and monitoring plan, correspondence exchanged between the

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applicant's consultants and USFWS staff, and a site visit by USFWS staff and the applicant's representatives. USFWS states in the opinion that no Biological Assessment was provided for the project.⁶

The Biological Opinion determined that the project site provides suitable habitat for California red-legged frogs and has potential habitat for San Francisco garter snakes. This determination was based on the presence of vegetated water bodies on the site, including the stock pond, the widespread distribution of California red-legged frogs in the area, and evidence that San Francisco garter snakes are potentially present at any water body in the Half Moon Bay area that supports emergent vegetation and amphibians. The Biological Opinion was inconclusive concerning the presence or absence on the site of either of these species, and recommended pre-construction surveys for both species prior to any development. The USFWS also recommended that no development including grading should occur within 150 feet of the pond.

June 1999 Biological Resources Report prepared for Ailanto Properties by LSA Associates (LSA 1999a)

Following the appeal of the City's approval of the project to the Commission, LSA Associates prepared a revised wetland delineation for the applicant. Although this new delineation depicted wetland areas in addition to those previously identified in the 1997 RMI delineation, it did not accurately show the full extent of wetland habitat on the site as defined under the LCP. The report states that no California red-legged frogs or San Francisco garter snakes were observed on the site during the 1986 WESCO surveys. LSA did not undertake new surveys for these species in preparing this biological report.

November 1999 Wetland Delineation prepared for Ailanto Properties by LSA Associates (LSA 1999b)

In response to Commission staff comments concerning the June 1999 wetland delineation, LSA prepared a revised delineation of wetland habitat on the site dated November 4, 1999. The Commission's staff biologist reviewed this delineation with the applicant's consultant in the field and verified that it accurately depicted all of the wetland areas on the site in accordance with the definition of wetlands contained in the LCP. Like the June 1999 delineation, this wetland study did not involve wildlife surveys.

August 2000 California Red-Legged Frog Survey prepared for Ailanto Properties by LSA Associates (LSA 2000)

In response to the June 22, 2000 staff recommendation for denial of the proposed project, LSA conducted a new survey for California red-legged frogs on August 3 and 10, 2000. The survey report identifies the potential habitat areas surveyed as: "a wetland area dominated by cattails in the northwest corner of the site; a stock pond, also in the northwest corner of the site; and an outlet channel that flows from the north end of the stockpond [sic]." Although the survey report does not include a map, it appears from this description that the areas surveyed include the Pond, Wetland A, and Stream 5 as shown in Exhibit 9. It does not appear that the other wetlands and riparian areas identified on the site were included in the areas surveyed. The survey report states that "Three drainages also cross the site from east to west. All three drainages were dry at the time of the survey and did not provide habitat for red-legged frogs." This survey did not

⁶ A Biological Assessment is an evaluation of potential project impacts provided by the federal permitting agency to the USFWS for the preparation of a Biological Opinion in accordance with 50 CFR § 402.12.

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document the presence of red-legged frogs in the areas surveyed. The survey did document the presence of bullfrogs on the project site.

The appellants contend that the LCP requirements for a Biological Report have not been triggered for the proposed development because (1) none of the studies conducted for the project describe and map existing sensitive habitats, riparian areas, and wetlands located within 200 feet of the project site, and (2) most of the information concerning biological resources on the site is out of date. Alternatively, the applicant contends that the LCP requirements for the assessment of the potential impacts of the project to biological resources have been satisfied by the various biological resource studies described above.

The applicant has concluded that because none of the studies of the site have affirmatively documented the presence of either the San Francisco garter snake or the California red-legged frog, no threatened or endangered species are on the site. In a May 4, 2000 letter to the Commission, the applicant's representative states:

There are no threatened or endangered species on the Project site, including the red-legged frog or the San Francisco garter snake. Neither species has been observed on the site during surveys conducted pursuant to USFWS protocols or during any of the other surveys for the EIR, wetland delineations, and or other habitat assessments. (Shimko 2000)

Staff of the U.S. Fish and Wildlife Service has indicated that documenting the presence of this species is extremely difficult to detect and that a simple transect survey is not sufficient to document the presence or absence of the snake (pers. com. Larson 6/16/00). Both the San Francisco garter snake and the California red-legged frog are extremely rare and shy and quickly seek cover when approached. The only survey of the site conducted for the San Francisco garter snake was conducted for the 1986 WESCO biological inventory prepared for the applicant. The WESCO report states that all suitable habitats were surveyed by walking transect lines only, and that live trapping was not used for the survey.

The WESCO report contains no description of the survey techniques used to support the conclusion that the California red-legged frog, California tiger salamander, and western pond turtle were absent from the site. Therefore, the Commission is unable to verify absence or presence of the sensitive species based on the information contained in the 1986 WESCO report, and finds that this report is too far out of date to reliably describe the current biological resources of the project site consistent with the requirements of the LCP.

Zoning Code Section 18.38.055.B.3 provides that the information and analysis contained in an EIR prepared under California Environmental Quality Act may be accepted in lieu of a separate biological report for a coastal development permit application if the EIR adequately meets the requirements of the LCP and the Final EIR was accepted as complete and adequate no more than one year prior to the date of submittal of the permit application. Ailanto submitted its permit application to the City in 1998, eight years after certification of the final EIR. The biological information contained in the project EIR is thirteen to fourteen years old and is therefore too out of date to reliably describe the resources currently located on the site.

Zoning Code Section 18.38.035.B.1 specifies that the Biological Report required for a coastal development permit application must describe and map all wetlands, riparian areas, and other sensitive habitat areas located on or within 200 feet of the project site. None of the studies cited

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above describe or map the biological resources located within 200 feet of the project site boundaries. Wetland delineations and biological resource assessments have been conducted for the Beachwood Development site located directly to the west of the Pacific Ridge Development site. The Beachwood site studies describe and map some of the biological resources within 200 feet of the approximately one third of the of the western boundary of the Pacific Ridge site. However, the Beachwood site studies do not satisfy the requirement that the Biological Report required for the proposed development describe and map all sensitive coastal resources within 200 feet of the site.

2.5.4 Conclusion

The information provided by the various biological resource studies of the project site does not satisfy the informational requirements described under the LCP for a Biological Report. Most of the information concerning biological resources for the project is out of date. In fact, the only survey for San Francisco garter snakes conducted on the site is fourteen years old, and this survey did not employ techniques necessary to determine the presence or absence of this species. Moreover, both the San Francisco garter snake and the California red-legged-frog are secretive species. The USFWS does not therefore find failure to document presence of these species is determinative. The California red-legged-frog is very common in suitable aquatic habitat areas in Half Moon Bay, and it is therefore highly likely that the species is present at the project site. The presence or absence on the site of these protected species has not been determined. None of the studies described above included a description of sensitive coastal resources located within 200 feet of the project site as required by the LCP.

Without the biological information required to be provided in accordance with Zoning Code Sections 18.38.030 and 18.38.035, the Commission cannot find that the proposed development provides adequate protection to sensitive species and habitat both on and near the project site. Therefore, the Commission denies Coastal Development Permit Application A-1-HMB-99-022.

2.6 Threatened and Endangered Species

The Commission denies the permit application because the proposed development does not conform to the LCP policies concerning the protection of the habitat areas of the California red-legged frog and the San Francisco garter snake.

2.6.1 Issue Summary

The U.S. Fish and Wildlife Service has determined through a formal consultation to the U.S. Army Corps of Engineers that the pond and riparian areas on the site provide important habitat for the threatened California red-legged-frog and the endangered San Francisco garter snake (USFWS 1998). In addition, two large ponds to the north of the site provide suitable habitat for these two species.

The applicant has changed the project plans since the time that USFWS prepared the Biological Opinion in an attempt to respond to the Commission and USFWS concerns regarding habitat impacts. These changes include the elimination of the proposed wetland fill and reconfiguration of the plot plan to provide a minimum 100-foot buffer between the lots and the pond. Riparian buffers remain 30 feet wide. Additional mitigation measures proposed by the applicant include installation of pipes beneath the portion of the subdivision loop road separating the pond on site from the ponds to the north. "Wing walls" are proposed along either side of this corridor to

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funnel frogs and snakes into these pipes. As discussed in Section 2.7 below, arched culverts are proposed for all stream crossings to avoid direct disturbance to the streambeds. The applicant also proposes to implement measures to ensure that the water level in the pond is maintained, and to implement a bullfrog eradication program. The latter would involve periodically draining the pond.

Although these proposed mitigation measures would reduce some of the potential impacts of the project to biological resources on the site, they are not sufficient to bring the development into conformance with all of the LCP policies concerning protection of sensitive habitat and species. The primary remaining issue is that the project does not provide adequate wetland and riparian buffers to protect the San Francisco garter snake and the California red-legged frog.

2.6.2 LCP Standards

The LCP contains several policies pertinent to protection of threatened and endangered species habitat, including both general ESHA policies and specific policies for both the California red-legged frog and the San Francisco garter snake, including LUP Policies 3-3, 3-4, 3-24, and 3-25 and Zoning Code Sections 18.38.085 and 18.38.090. These policies require that the habitat of both the San Francisco garter snake and the California red-legged-frog are given the highest level of protection.

Sensitive habitat is defined by LUP Policy 3-1 as any area in which plant or animal life or their habitats are either rare or especially valuable and specifically includes habitats containing or supporting “rare or endangered” species as defined by the State Fish and Game Commission.

LUP Policy 3-22 and Zoning Code Sections 18.38.085.B and 18.38.090.B, limits permitted uses in habitat areas of the San Francisco garter snake and the California red-legged-frog to (1) education and research, (2) hunting, fishing, pedestrian and equestrian trails that have no adverse impact on the species or its habitats, and (3) fish and wildlife management to restore damaged habitats and to protect and encourage the survival of rare and endangered species.

LUP Policy 3-3 prohibits any land use and/or development that would have significant adverse impacts on sensitive habitat areas, and requires that development adjacent to such areas shall be sited and designed to prevent impacts that could significantly degrade the habitat. LUP Policy 3-4 permits only resource dependent or other uses which will not result in significant adverse impacts to sensitive habitats, and requires that permitted uses in such areas comply with USFWS and California Department of Fish and Game requirements.

As discussed in Section 2.8 and 2.7 below, the LCP also contains policies specifying the required widths of wetland and riparian buffers. The proposed project plans conform to these minimum setback standards. However, nothing in the LCP limits the ability of the City or the Commission on appeal to require wider riparian and/or wetland buffers than the minimum distances specified when necessary to meet the requirements of other resource protection policies of the LCP. As further discussed below, the minimum setback distance proposed by the applicant are insufficient to provide the protections required by all of the above cited policies for the habitat of the San Francisco garter snake and the California red-legged-frog.

2.6.3 Discussion

California red-legged frogs

California red-legged frogs have been extirpated or nearly extirpated from over 70 percent of their former range and are federally listed as threatened. Habitat loss, competition with and direct predation by exotic species, and encroachment of development are the primary causes for the decline of this species throughout its range. The remaining populations are primarily in central coastal California and are found in aquatic areas that support substantial riparian and aquatic vegetation and lack non-native predators. The project site is located within the Central Coast Range Recovery Unit for the California red-legged frog as defined in the federal listing for this species.

San Francisco garter snake

The San Francisco garter snake is a federal and state listed endangered species. The San Francisco garter snake's preferred habitat is densely vegetated ponds near open hillsides where it can sun itself, feed, and find cover in rodent burrows. The species is extremely shy, difficult to locate and capture, and quick to flee to water when disturbed. On the coast, the snake hibernates during winter in rodent burrows, and may spend the majority of the day during the active season in the same burrows.

California red-legged frogs are an essential prey species to the San Francisco garter snake, and the snakes have not been found in areas where red-legged frogs are absent. In addition, newborn and juvenile San Francisco garter snakes depend heavily on Pacific tree frogs. Adult snakes may also feed on juvenile bullfrogs. The decline of this species is due principally to habitat loss, the loss of red-legged frog, illegal collection, and the introduction of bullfrogs. Adult bullfrogs prey on both San Francisco garter snakes and California red-legged frogs.

Project Impacts

On September 11, 2000, the USFWS published a proposed rule in the Federal Register designating critical habitat for the California red-legged frog (USFWS 2000). The proposed rule defines critical habitat for the red-legged frog as areas that:

include two (or more) suitable breeding locations, a permanent water source, associated uplands surrounding these waterbodies up to 150 m (500 ft) from the water's edge, all within 2 km (1.25 miles) of one another and connected by barrier-free dispersal habitat that is at least 150 m (500 ft) in width. When these elements are all present, all other suitable aquatic habitat within 2 km (1.25 miles), and free of dispersal barriers, is also considered critical habitat.

The pond on the project site and two ponds to the north of the site property boundary are considered by USFWS to be potential breeding habitat for the red-legged frog. These three ponds are well fed by numerous drainages from the large, undeveloped watershed to the east and by seeps and springs, and contain water throughout the year. The ponds are all located well within 1.25 miles of each other, and are connected by barrier-free dispersal habitat that is more than 500 feet wide. Thus, under the proposed rule, it appears that the ponds and all suitable aquatic habitat within 1.25 miles that is free of dispersal barriers may be critical habitat for the red-legged frog.

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The USFWS determined in its Biological Opinion for the project that the development proposed within 300 feet of both sides of the several unnamed drainages (Streams 3, 4, and 5) and two ponds on the site will result in the direct loss of riparian and upland habitat suitable for the California red-legged-frog and the San Francisco garter snake (USFWS 1998). This determination of habitat loss was due to insufficient buffer distances between the riparian corridors and the pond on the site, which would inhibit dispersal of both species between adjacent aquatic and upland habitat areas. In addition to interfering with dispersal corridors, the USFWS found that the proposed development would reduce the quality of the surrounding habitat as foraging and breeding habitat. The loop road along the northern side of the property would separate the aquatic habitat on the site and the ponds to the north and would further interfere with species movement. Although the Biological Opinion requires a minimum buffer around the pond and other wetland areas of 150 feet, it also states that development within 300 feet of these areas will result in adverse impacts to the species including incidental take due to direct loss of habitat (USFWS 1998).

As discussed in Section 2.8 and 2.7 below, the applicant proposes to provide only the minimum wetland and riparian buffers required by some of the policies of the LCP. The buffers proposed are 100 feet around the pond and wetlands, 30 feet from the limit of riparian vegetation to either side of the upper portion of Stream 3 and Stream 5, and 30 feet from the centerline of Stream 4. These buffer distances fall far short of the distances that the USFWS has indicated are necessary to avoid significant impacts to the San Francisco garter snake and the California red-legged-frog.

In response to the discussion of these issues in the April 27, 2000 Issues Summary Report for this permit application, the applicant states in a letter to the Commission dated May 4, 2000:

- The 150-foot buffer recommended in the Biological Opinion is moot because the project plans have been substantially modified since the opinion was written.
- USFWS is pleased with the current project plan.
- There are no threatened or endangered species on the project site, including the California red-legged-frog and the San Francisco garter snake. Neither species has been observed on the site during surveys conducted pursuant to USFWS protocols or during any of the other surveys for the EIR, wetland delineations, and or other habitat assessments.

As discussed above, the August 2000 red-legged frog survey documented the presence of bullfrogs on the project site (LSA 2000). According to the applicant, the pond also contains introduced fishes (Foreman 2000). Predation by introduced fishes is one of the factors contributing to the decline of the California red-legged frog (USFWS 2000). The applicant's biological consultant concludes that red-legged frogs are absent from the project site because of the presence of bullfrogs and introduced fishes, stating:

While California red-legged frogs can co-exist in rare instances with bullfrogs, the presence of two predator groups (bullfrogs and fish) virtually eliminates the potential for California red-legged frogs to regularly inhabit a site...

The applicant's consultant further contends that the project site is a hazard to red-legged frogs and San Francisco garter snakes and not valuable habitat for these species, stating:

The on-site habitats are more of a hazard or "ecological sink" to both species rather than being especially valuable habitats. Any California red-legged frogs and San

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Francisco garter snakes which might reach the onsite habitats are likely to die (be eaten) or waste any reproductive effort because of high predation rates and competition from bullfrogs and non-native fish. Clearly, on-site habitats are not “valuable” to the species under current conditions. (Foreman 2000)

Commission staff consulted with the USFWS concerning the applicant’s contention that the presence of non-native predators renders the project site unsuitable and hazardous to California red-legged frogs and San Francisco garter snakes. According to USFWS Fish and Wildlife Biologist Curtis McCasland, bullfrogs have a significant effect on the ability of a site to support California red-legged frogs where the habitat is degraded or constrained, but not in areas where habitat suitable for both species is abundant. The habitat is not degraded or constrained in the coastal region within which the project site is located. Coexistence of the two species been documented in several areas in the Mid-Coast region including Crystal Springs Reservoir and Pescadero State Park (pers. com. McCasland 11/14/00).

Commission staff discussed the potential impacts of the currently proposed project to the snakes and frogs in a telephone conferences with McCasland on June 19 and 21, 2000. McCasland responded to staff’s inquiries as follows:

- Development within 300 feet of the pond and wetland areas and the riparian areas associated with these wetlands (i.e., the portion of Stream 3 above the diversion, and Streams 4 and 5) will result in significant adverse impacts to the San Francisco garter snake and California red-legged-frog due to loss of suitable habitat. Protection of these species requires a 300-foot-wide buffer around the wetlands and the riparian areas.
- There is no biological basis for a 150-foot buffer. This distance was the result of negotiations with the applicant. A 150-foot buffer will result in loss of habitat suitable for both species.
- The portion of the loop road along the northern side of the development will interfere with the dispersal corridor between the wetland areas and the ponds offsite to the north, and this road could potentially result in the direct mortality of either of the species. A 300-foot buffer should be provided for Stream 5 from the outlet of the pond to the northern property boundary to minimize this potentially significant impact.
- Arched culverts will not allow adequate movement of the frogs and snakes within the riparian areas. All road crossings of Streams 3, 4 and 5 should be via elevated bridges to allow free movement of wildlife for the width of the corridors.
- Both the San Francisco garter snake and the California red-legged-frog are secretive species. The USFWS does not find failure to document presence of these species exempts a project from the requirements of the Endangered Species Act. The California red-legged-frog has been found in suitable aquatic habitat areas in Half Moon Bay. Therefore, it is highly likely that the species is present at the project site. Preservation of suitable habitat, such as that found on the project site, is critical to the recovery of both species.

2.6.4 Conclusion

The proposed development includes non-resource dependent uses in sensitive habitat areas, and does not therefore limit uses within and adjacent to sensitive habitat areas consistent with the limitations of the certified LCP. Consequently, the project will result in the direct loss of habitat

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for and will potentially result in the direct mortality of the San Francisco garter snake and the California red-legged frog. These impacts could be avoided by protecting the habitat areas, and, as discussed below, by spanning the full width of the riparian corridors where road crossings cannot feasibly be avoided. Therefore, the Commission finds the proposed project is inconsistent with LUP Policies 3-3, 3-4, 3-22, 3-24, 3-25 and Zoning Code Sections 18.38.085 and 18.38.090 and denies Coastal Development Permit Application A-1-HMB-99-022.

2.7 Riparian Corridors

The Commission denies the permit application because: (1) the proposed project includes two bridges within riparian corridors for which there are practical and feasible alternatives in conflict with the LCP; and (2) while the proposed riparian buffers conform with some of the resource protection requirements of the LCP, they are not sufficient to protect the habitat of the San Francisco garter snake and the California red-legged-frog.

2.7.1 Issue Summary

The property contains five streams, two are ephemeral or seasonal and three are intermittent or storm water drainages. These streams are indicated on Exhibit 9 as Streams 1-5. The LCP permits bridges to be constructed in riparian corridors and/or buffers only where no feasible or practical alternative exists. The proposed development includes the construction of seven arched culverts that would bridge the five riparian corridors located on the site (Exhibit 9). It appears that feasible alternatives exist for at least two of these bridges:

- Bridge 6 could be avoided without any other modification to the project plans.
- Bridge 7 could be avoided with the elimination of 4 lots.

The applicant proposes to divert one of the streams into the pond on the site. Although this activity could be permitted as a fish and wildlife management activity under the LCP, the applicant has not demonstrated that such diversion is necessary to maintain or improve the habitat of the pond or that there is no less environmentally damaging feasible alternative to the proposed diversion.

The proposed development provides only the minimum allowable buffer along the riparian corridors on the site. These buffers are inadequate to protect the habitat of the endangered San Francisco garter snake and the threatened California red-legged frog as further discussed in Section 2.6 above.

2.7.2 LCP Standards

LUP Policies 3-7 through 3-13 specify the LCP definition of riparian corridor, the permitted uses in riparian corridors and buffers, the standards for development affecting riparian areas and buffers, and the minimum width of riparian buffer zones. These requirements are further defined in Zoning Code Section 18.38.075.

2.7.3 Discussion

Stream Crossings

A total of seven road crossings are proposed via arched culverts with one culvert across Streams 1, 2, 4, and 5 and three across Stream 3. These crossings are shown on Exhibit 9 as Bridges 1-7. Such bridges are permitted within riparian corridors in accordance with LUP Policy 3-9 (b) and

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Zoning Code Section 18.38.075.B.1 only if no feasible or practical alternative exists and when bridge supports are not in significant conflict with corridor resources.

As discussed in Section 2.4 above, Ailanto proposes to construct the portion of Foothill Boulevard located within the project site. Beginning at the southern boundary of the site and running north to Grandview, this section of Foothill Boulevard crosses Streams 1, 2, and 3. Because Streams 1, 2, and 3 run perpendicular through the alignment of Foothill Boulevard as designated on the LUP Access and Circulation Map, it is not feasible to construct Foothill Boulevard without crossing these streams. The proposed bridges would span the streams with no supports located within the riparian corridor. Therefore, there are no feasible alternatives to proposed Bridges 1 and 2 and these stream crossings are not in significant conflict with corridor resources. However, because Foothill Boulevard will not extend south of the site to State Route 92 at this time, the applicant does not propose to construct the section of Foothill that would cross Stream 1 (shown as Bridge 8 on Exhibit 9). Moreover, since it now appears that Foothill Boulevard may not be constructed to the south of the project site in the future, Bridge 8 may never be constructed.

Bridges 3, 4, and 5 allow the main internal roadway system for the development to form a complete loop. However, it would be feasible to eliminate one of these bridges and still provide access to all of the proposed lots. If, for example, Bridge 4 were eliminated, the lots on either side of Stream 4 could still be reached. However, the applicant has asserted that the City of Half Moon Bay Fire Code prohibits dead end roads of this length. Staff has not found a specific provision of the Fire Code supporting this assertion. Thus, it is unclear at this time whether there are feasible or practical alternatives to Bridges 3, 4, or 5. Since bridges 3, 4, and 5 would span the streams with no supports located within the riparian corridors, they would not be in significant conflict with corridor resources.

Bridge 6 would create a third crossing of Stream 3. Ailanto has not demonstrated that there is no feasible or practical alternative to this stream crossing. Because the length of the roads on either side of Bridge 6 are much shorter than the main loop road discussed above, Bridge 6 could be eliminated without any other modifications to the internal road system consistent with the fire code and the proposed plot plan. Therefore, the proposed construction of Bridge 6 is inconsistent with LUP Policy 3-9 (b) and Zoning Code Section 18.38.075.B.1 because feasible alternatives to this stream crossing exists.

As proposed, Bridge 7 is required to provide access to four lots, numbers 4 through 7, at the southern boundary of the development, as the only proposed crossing of Stream 1 at this time. This stream crossing could be avoided through the elimination of these four lots from the proposed development. The elimination of such four lots is a feasible alternative to the project as proposed. Therefore, the Commission finds that Bridge 7 is also inconsistent with LUP Policy 3-9 (b) and Zoning Code Section 18.38.075.B.1 because a feasible and practical alternative to this stream crossing exists.

Diversion of Stream 3

Stream 3 was diverted in the 1950s to help fill the pond. Subsequent siltation and construction of berms has redirected most of the flow back into the natural, westerly flowing channel. Currently, this stream flows partially into Wetland E and the pond with the remaining flow following the natural stream alignment off site to the west where it is intercepted by a 48-inch storm drain pipe on the Beachwood property (see Section 2.10 below). The applicant proposes to construct a

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channel to divert most of the normal flow of Stream 3 into Wetland E and the pond with only high water flows continuing west into the storm drain system. The purpose of this proposed diversion is to help maintain the water level in the pond necessary to support San Francisco garter snakes and California red-legged frogs, if present, as further discussed in Section 2.6 above. However, the applicant has not demonstrated that additional water is needed to maintain the level of the pond. Fish and wildlife management activities are a permitted use in riparian corridors in accordance with LUP Policy 3-9(a) and Zoning Code Section 18.38.075.A.3, and the proposed stream diversion could potentially be characterized as such an activity. However, without a showing of need, the Commission cannot find that the proposed diversion may be legitimately characterized as a fish and wildlife management activity.

None of the various biological studies considered the proposed diversion or evaluated the impacts of the diversion to the lower portion of Stream 3. The proposed diversion would result in less water reaching the lower portions of the riparian corridor with potentially significant adverse impacts to sensitive habitat. If upon investigation it is determined that an additional water source is needed for the pond, then the impacts of diversion to the lower portion of Stream 3 as well as potential alternatives to diversion should be thoroughly evaluated in accordance with the requirements of the certified LCP and the California Environmental Quality Act (CEQA). Without a showing that an additional water supply for the pond is needed and without a complete analysis of potentially less environmentally damaging feasible alternatives, the Commission cannot find that the proposed diversion of Stream 3 is consistent with the LCP and CEQA.

Riparian Buffers

LUP Policy 3-11 and Zoning Code Section 18.38.075.D set the minimum riparian buffer zone for intermittent streams as 30 feet outward from the limit of riparian vegetation or 30 feet from the midpoint of intermittent streams where no riparian vegetation exists. Some portions of the riparian corridors on the site are beneath eucalyptus canopy. Consequently, these areas are without riparian vegetation and the proposed setback is 30 feet from the midpoint of the stream. In the areas that are not covered by eucalyptus, willows and other riparian vegetation are established. In these areas, the riparian buffer is shown on the project plans as 30 feet from the limit of the riparian vegetation. Thus, the plans provide only the minimum required buffers.

The riparian corridors on the project site provide suitable habitat for the San Francisco garter snake and the California red-legged-frog. Zoning Code Section 18.38.085.D specifies that the minimum buffer surrounding habitat of a rare or endangered species shall be 50 feet. LUP Policy 3-3 prohibits development that would cause significant adverse impacts to sensitive habitat areas and requires that development adjacent to such areas shall be sited and designed to prevent impacts to sensitive habitat. As further discussed in Section 2.6 above, the minimum buffer widths proposed for the development are not sufficient to protect these areas for use by the San Francisco garter snake and the California red-legged-frog.

2.7.4 Conclusion

As proposed, the project includes two bridges for which there are feasible less environmentally damaging alternatives. The proposed stream diversion has not been established as a fish and management activity consistent with LUP Policy 3-9(a) and Zoning Code Section 18.38.075.A.3. Although the riparian buffers proposed meet the minimums specified under LUP Policy 3-11 and Zoning Code Section 18.38.075.D, they do not meet the LCP requirements to protect the habitat of threatened and endangered species. Therefore, the Commission finds that the proposed

development is inconsistent with LUP Policies 3-3, 3-9, and 3-11 and with Zoning Code Sections 18.38.075.A.3, 18.38.075.B.1 and 18.38.075.D.

2.8 Wetlands

The wetland buffers provided by the proposed development are not sufficient to protect the habitat of the San Francisco garter snake and the California red-legged-frog.

2.8.1 Issue Summary

The applicant has provided a delineation of wetlands on the project site that conforms with the definition of wetlands contained in the LCP as verified by the Commission's staff biologist. The project plans indicate a 100-foot buffer surrounding the wetland areas on the site in accordance with the minimum required setback under the LCP. The applicant proposes additional measures to protect the wetland areas on the site from impacts resulting from the proposed development. These measures meet some of the resource protection requirements of the LCP. However, as discussed in Section 2.6 above, the proposed 100-foot wetland buffer is insufficient to adequately protect these areas for use by the San Francisco garter snake and the California red-legged-frog.

2.8.2 LCP Standards

The LCP contains policies that define wetlands and sensitive habitats, specifying uses permitted in and adjacent to such areas, and setting development standards for the protection of these areas. These policies include LUP Policies 3-1, 3-3, 3-4, 3-11, LUP Appendix A, and Zoning Code Sections 18.02.040, 18.38.020.E, and 18.38.080.

2.8.3 Discussion

In its action on the substantial issue portion of this appeal in March 2000, the Commission found that a substantial issue existed regarding whether the project plans approved by the City included all of the wetland areas on the site. Subsequent to the City's approval, Ailanto has submitted a series of reports and memoranda culminating in a revised wetland delineation dated November 4, 1999 (Exhibit 8). The revised wetlands delineation shows eight vegetated wet areas, three ephemeral and two intermittent streams and a pond. The Commission's staff biologist has determined that the revised delineation accurately depicts the wetland areas on the site in accordance with the LCP. The Commission notes that the provisions regarding wetlands contained in the certified LCP, including Section 30233 of the Coastal Act, which the City incorporated into its certified LCP, require the protection of all areas within the project site where the water table is near the land surface long enough to support the growth of hydrophytes or to support the formation of hydric soils.

Numerous gullies are located in the area. The site's vegetation has been affected by historic cultivation. Mature eucalyptus and cypress trees exist on portions of the site. The pond and streams contain willows, cypress and other plants associated with wetlands. The 1.6-acre pond shown in the revised wetland delineation was created in the 1950s as a stock pond. This was accomplished through construction of a 23-foot-high earthen dam on the west side of the pond and diversion of a stream (Stream 3). Stream 4 also drains into the pond and surrounding wetlands. The pond outflows into Stream 5, which eventually leads to Pilarcitos Creek. The pond and a 100-foot buffer around it are shown on the project plans. Although the project plans include a 100-foot buffer around the pond, the applicant asserts that no buffer is required under

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the LCP because it is a man-made pond used for agricultural purposes (Cassidy 1999). While disagreeing with the staff's position with respect to required buffers for the pond and Wetlands A, E, and G, the applicant has amended the permit application de novo to include a 100-foot buffer around each of these areas.

LUP Policy 3-11(c) states:

Along lakes, ponds, and other wet areas, extend buffer zones 100 feet from the high water point, except for man-made ponds and reservoirs used for agricultural purposes for which no buffer zone is designated. [Emphasis added]

This policy is implemented by Zoning Code Section 18.38.080.D, which defines "Wetlands Buffer Zone" as:

The minimum buffer surrounding lakes, ponds, and marshes shall be 100 feet, measured from the high water point, except that no buffer is required for man-made ponds and reservoirs used for agriculture. [Emphasis added]

Ailanto states that the pond will be used for agricultural purposes because water from the pond is proposed to be used to irrigate a community garden.

Chapter 8 of the LUP incorporates the definition of "Agricultural Use" contained in Government Code Section 51201(b) which states:

"Agricultural use" means use of land for the purpose of producing an agricultural commodity for commercial purposes.

The proposed community garden is not a use of land for the purpose of producing an agricultural commodity for commercial purposes and is not therefore an agricultural use under the LCP. Although the pond was originally created for agricultural purposes, the proposed development will not continue this or any other agricultural use on the site. Consequently, a 100-foot buffer is required around the pond in accordance with LUP Policy 3-11(c) and Zoning Code Section 18.38.080.D.

The applicant also contend that Wetlands A, E and G are exempt from the Commission's review authority under §13577(b)(2) of the Commission's regulation. Section 13577(b)(2) provides that wetlands subject to the Commission's appeal jurisdiction do not include:

"... wetland habitat created by the presence of and associated with agricultural ponds and reservoirs where the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and there is no evidence [...] showing that wetland habitat predated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands."
[Emphasis added]

In support of this contention, Ailanto asserts that Wetlands A, E and G are exempt because they were created to supply water to the pond and reservoir (Wetland E) or as a result of runoff and seepage from the pond and reservoir (Wetlands A and G). However, as discussed above, the record documents that the pond will no longer be used for agricultural purposes. Since the site no longer contains an agricultural pond, the other wetlands are no longer associated with or created by an agricultural pond. The Commission finds that the exemption provided in Section 13577(b)(2) does not apply to wetlands that currently exist independent of and disassociated from preexisting agricultural activities. The Commission also notes that if the wetlands were

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filled, they would support residential, not agricultural activities. The Commission also finds that the exemption in § 13577(b)(2) is inapplicable to the proposed fill of wetlands for other than agricultural purposes.

While stating that it reserves the right to amend the project with respect to protection of the pond, Ailanto reduced the number of proposed lots and reconfigured the subdivision plan to conform with the wetland buffer policies of the LCP. As modified, no portion of any lot line is proposed within 100 feet of the delineated wetlands, including the pond.

The project plans also provide for the construction of a public trail within the 100-foot buffer zone surrounding the pond and wetlands C, D, and E (Exhibit 9). While the LCP allows trails within wetland buffer areas, LUP Policy 3-3(b) specifies that development adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the habitat. The placement of a trail within the wetland buffer increases the likelihood that dogs entering the wetlands may disturb the habitat. The presence of humans, dogs, and cats could be particularly harmful in the pond area where they would likely harass birds and small mammals using this habitat. Ailanto proposes to minimize this potential impact by constructing a 3-foot-high chain link fence between the pathway and the wetland areas, and by planting native coastal scrub species along the fence line. These measures are appropriate to ensure that the proposed trail will be sited and designed in a manner that will not significantly degrade the adjacent sensitive habitat.

In addition to the fencing, Ailanto proposes other measures designed to protect and enhance the wetland areas on the site, including:

- installation of a slotted weir at the outlet of the pond to assure that a minimum water level is maintained in the pond,
- planting of coastal scrub species and willows in the upland areas surrounding the pond,
- bullfrog eradication (as further discussed in Section 2.6 above),
- implementation of the storm water and water quality management measures,
- modifications to Stream 3 to divert more water into Wetland E and the pond, and
- installation of temporary construction fencing to prevent construction equipment from unintentionally entering wetland and wetland buffer areas.

The applicant proposes to prepare a Final Habitat Enhancement and Management Plan that will provide for monitoring to determine the success of the proposed habitat enhancement measures and for the long-term management and preservation of these habitat areas. The project as proposed also includes installation of an overflow storm drain intake in the southwest corner of the pond. This drain would also provide for periodic draining of the pond as necessary for bullfrog eradication as discussed in Section 2.6 above.

2.8.4 Conclusion

The project plans correctly delineate wetland habitat on the site in accordance with the definition of wetlands contained in the LCP. The proposed development provides a 100-foot buffer and additional mitigation measures to protect the wetland areas on the site. Therefore, the Commission finds the proposed development in conformance with LUP Policy 3-11 and Zoning Code Section 18.38.080.D. However, as further discussed in Section 2.6 above, the minimum

buffer widths proposed for the development are not sufficient to protect these areas for use by the San Francisco garter snake and the California red-legged frog.

2.9 Visual Resources

The Commission denies the permit application because the proposed development does not conform to the LCP policies concerning the protection of the scenic qualities of the hillsides inland of Highway 1.

2.9.1 Issue Summary

Because the project site is located at the base of hills inland of Highway 1, the development will not affect views of the coast. However, the development could significantly alter views of the hillsides. The LCP contains policies intended to protect inland views of these hillsides above the 160-foot contour. The LCP also adopts Coastal Act Section 30251, which requires development to minimize the alteration of landforms and be visually compatible with the character of the surrounding areas. Although none of the proposed lots would be located above the 160-foot contour, some of the homes proposed to be built on the upper lots would block views of the hillsides up to the 190-foot contour. The construction of these homes would be inconsistent with the visual resource protection policies of the LCP.

2.9.2 LCP Standards

The LCP includes policies intended to protect views of these scenic hillsides. Included in these policies is Zoning Code Section 18.37.020.B, which designates the hillside areas above the 160-foot contour east of the project site as a scenic area, and LUP Policy 7-10, which states that new development on upland slopes visible from Highway 1 shall not involve grading or building siting which results in a significant modification of hillsides. These hillsides are included on the Visual Resources Overlay Map of the LUP.

LUP Policy 9.3.7(g) requires that development of the Dykstra Ranch PUD shall minimize interruption of views of these hillsides, stating:

Structures shall be sited so as to minimize interruption of views of the upper hillsides from Highway 1 and the public recreation area along the shoreline.

2.9.3 Discussion

As proposed, no portion of any building footprint would be located above the 160-foot contour line, but portions of the homes to be constructed on the upper lots would project above this elevation to as high as the 190-foot contour. In their appeal, the appellants contended that the LCP prohibits any portion of a structure to project above the 160-foot elevation. LUP Policy 9.3.7(c) specifies that no development shall be permitted on slopes above the 160-foot contour. Given the policies' limitation on development on slopes above the 160-foot contour, no portion of any structure may be constructed on slopes above the 160-foot contour. Policy 9.3.7(c) does not expressly prohibit development that projects above this elevation.

However, Zoning Code Section 18.37.020.B and the Visual Resources Overlay Map unambiguously designate the "hillsides" above the 160-foot contour east of the project site as a scenic resource, and LUP Policy 9.3.7(g) requires that development of the Dykstra Ranch PUD minimize interruption of views of the upper hillsides from Highway 1 and the shoreline. It is clear from these policies that the LCP designates the hillsides above the 160-foot contour east of

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the project site as a protected scenic resource. It is also clear that the LCP requires views of these hillsides from Highway 1 and the shoreline to be protected from impacts associated with the development of the Dykstra Ranch PUD. Development that interferes with views from Highway 1 or the shoreline of the hillsides above the 160-foot contour east of the project site would be in conflict with these policies..

The applicant provided a visual analysis of the project consisting of panoramic photographs of the site from various locations along Highway 1 showing the 160-foot contour line and the maximum height to which the proposed residences would project (190 feet). This analysis demonstrates that the project as proposed would block views of a portion of the hillsides above the 160-foot elevation.

2.9.4 Conclusion

The LCP designates the hillsides above the 160-foot contour as a scenic resource. The project as proposed would interfere with and significantly modify views of hillsides identified on the Visual Resources Overlay Map above the 160-foot contour in conflict with LUP Policy 9.3.7(g), incorporated Coastal Act Policy 30251, and Zoning Code Section 18.37.020.B. The Commission therefore finds that the project as proposed is inconsistent with the visual resource protection policies of the LCP. This LCP inconsistency could be corrected through modifications to the project plans to prevent any structures from projecting above the 160-foot contour line.

2.10 Water Quality/Polluted Runoff

The permit application does not include complete information necessary for the Commission's review of potential impacts to coastal resources and water quality, both on and off the project site resulting from runoff and erosion.

2.10.1 Issue Summary

The proposed development may adversely affect coastal water quality both on and off site through increased runoff from new impervious surfaces, sedimentation resulting from grading and vegetation removal, and use of herbicides, pesticides and other hazardous substances. Polluted runoff and sedimentation could significantly impact the viability of the threatened and endangered species habitat discussed in Section 2.6 above. Ailanto proposes to avoid such impacts by implementing a Storm Water Pollution Prevention Plan and a Pond Water Quality Management Plan. Ailanto also proposes to label all storm drain inlets, grade each lot to direct drainage to the storm drain system and not over adjacent lots or slopes, construct swales for water detention and filtration, and ensure a 0.5 percent minimum street grade along the face of the curb.

2.10.2 LCP Standards

LUP Policy 4-8 states that no new development shall cause or contribute to flood hazards. Policy 4-9 requires new development to be designed and constructed to (1) prevent increases in runoff, erosion, and flooding, (2) minimize runoff from graded areas, and (3) dissipate the energy of storm water discharges from outfalls, gutters, and other conduits. The LCP also adopts Coastal Act Policy 30253, which requires new development to neither create nor contribute significantly to erosion or destruction of the site or surrounding area, and Coastal Act Section 30231 which requires protection of the biological productivity and quality of coastal waters.

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In addition to these policies directly addressing storm water runoff, erosion, and flooding, the LCP policies discussed in Section, 2.6, 2.7 and 2.8 above, concerning protection of wetlands, riparian areas, and other sensitive habitat areas must be considered when evaluating the potential impacts of the project due to storm water runoff and erosion.

2.10.3 Discussion

Site Drainage Characteristics

The project site drains to the west by sheet flow, channelized flow through the five streams running through the site, and by shallow (perched) groundwater flow. The site contains springs, seeps, and wet areas, particularly in the northern portion of the site near the pond. Streams 4 and 5 flow into the pond on the site, which originate to the east in the Chesterfield Watershed (Exhibit 11). The pond is drained by Stream 5 which flows off the site to the northwest and drains into ditches and culverts along Grandview Boulevard and Highway 1, eventually discharging into Pilarcitos Creek (Exhibits 8 and 9).

The project site is part of the Terrace Avenue Assessment District, which was formed in the early 1980s to construct storm drain facilities for this area. Streams 1 and 2 are intercepted by existing storm drains at the western edge of the property. As discussed in Section 2.7 above, Stream 3 was diverted in the 1950s to help fill the pond. Subsequent siltation and construction of berms has redirected most of the flow back into the natural, westerly flowing channel, which is intercepted downstream by a 48-inch storm drain pipe on the Beachwood property.

Project Impacts

The proposed development could result in adverse impacts to coastal water quality both on and off site through increased storm water runoff from new impervious surfaces, sedimentation resulting from grading and vegetation removal, and use of herbicides, pesticides and other hazardous substances. Polluted runoff and sedimentation could significantly affect the viability of the threatened and endangered species habitat discussed in Section 2.6 above.

The project includes approximately 190,000 cubic yards of grading, primarily in the northern area of the project site. Grading, road construction, vegetation removal, and other construction related site disturbance could result in significant impacts to the wetlands and riparian areas on the site as well as to off-site coastal waters due to erosion and sedimentation.

Proposed Erosion Control Measures and Storm Water Pollution Prevention Plan

Ailanto proposes to mitigate the impacts of the development to water quality through design features to treat storm water and increase infiltration of runoff, erosion control features that will be addressed in a Storm Water Pollution Prevention Plan (SWPPP), and minimization of disturbances to wetlands and riparian corridors. The project drainage plan is designed to direct runoff into the existing drainages and underground pipes, which include the Terrace Avenue Assessment District storm drainage facilities. Runoff will be diverted into the existing system facilities through underground pipes and surface flow. Untreated runoff from roads and other developed areas will be diverted away from existing wetlands and creeks. During construction, wetlands and riparian corridors will be fenced off to minimize disturbance. The project description states that post-construction water quality management objectives for the project are provided to the maximum extent practicable to:

- reduce directly connected impervious surface areas (roads, driveways, and houses),

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- provide for passive treatments to filter pollutants and sediment from storm water and urban runoff prior to discharge into the storm drainage system,
- increase runoff infiltration, and
- minimize long term operation and maintenance requirements.

The applicant states that the project layout and topography provides passive treatments of storm water from small, sub-watersheds that will increase infiltration into the soil and trap or filter sediments and other pollutants prior to discharge into the storm drain system, local creeks, or the pond. While detailed engineering and grading studies have not been completed, design features to be part of the final plan design include using cobble/gravel around drop inlet structures where practicable and directing runoff into biofilters such as grassy/landscaped swales and vegetated filter strips. The SWPPP will implement the standard required features such as:

- drop inlet signs (e.g., No Dumping, Flows to Bay or similar theme),
- traps in the drop inlet structures to capture sediment and
- educational materials to be provided to homebuyers and posted in the proposed gazebo containing information about the local ecosystem and the need to protect water quality.

Specific locations of the water quality treatment facilities will be completed as part of the final grading and design once the project site plan has been finalized. The Homeowners Association will be responsible for the maintenance of these facilities. The passive water treatment features will minimize the operation and maintenance requirements.

Ailanto proposes to implement the following measures to minimize impacts to water quality:

1. Ailanto shall prepare and implement a SWPPP to the satisfaction of the Regional Water Quality Control Board requirements. The SWPPP shall be submitted for review and approval by the city engineer prior to the issuance of any grading permits. The SWPPP shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control of contraction debris shall also be addressed in the SWPPP.
2. Ailanto will install silt traps on the property as part of the on-site storm drain system. The homeowners shall be responsible to pay for the on-going maintenance of that portion of the storm drain system necessary for the City to achieve compliance with its NPDES permit. The homeowners may fund this on-going maintenance either through the homeowner's association as required by the CC&R's or through an assessment district.
3. The May 1990 Dykstra Ranch Pond Water Quality Management Plan shall be revised and implemented to the satisfaction of the San Francisco Regional Water Quality Control Board.
4. Prior to the commencement of any clearing, grading or excavation resulting in a land disturbance greater than five acres, the developer shall provide evidence that a Notice of Intent (NOI) has been sent to the State Water Resources Control Board.
5. All storm drain inlets shall be labeled "No Dumping – Drains to Bay" using thermoplastic lettering or as approved by the public works director/city engineer.
6. Street grade along the face of curb shall have a minimum of 0.5 percent.
7. No drainage shall be directed over slopes.
8. All lots shall be graded so as not drain onto any other lot adjoining property prior to being deposited to an approved storm drainage system.

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9. Twelve-inch minimum storm drainpipe shall be used.
10. Equipment shall not be operated in the lake or its margins except during excavation and as may be necessary to construct barriers or fills. If work in the lake is unavoidable, a curtain enclosure to prevent siltation of the lake beyond the immediate working area shall be installed. The enclosure and any supportive material shall be removed when the work is completed. Wash water containing mud or silt from aggregate washing or other operations shall not be allowed to enter a lake or flowing stream.
11. If operations require moving equipment across a flowing stream, such operations shall be conducted without substantially increasing stream turbidity. For repeated crossings, the operator shall install a bridge, culvert, or rock-fill crossing.
12. No debris, soil, sand, bark, slash, sawdust, rubbish, cement or concrete or washing thereof, oil or petroleum products or other organic or earthen material from logging, construction, or associated activity of whatever nature shall be allowed to enter into or placed where it may be washed by rainfall or runoff into waters of the state. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream or lake.
13. The applicant shall obtain a Streambed Alteration Agreement with the California Department of Fish and Game prior to commencing construction activities and shall comply with any conditions that the agency may impose.

Adequacy of Proposed Mitigation

The permit application contains some of the information needed to assess the potential project impacts from polluted runoff and erosion, including appropriate BMPs to minimize and control erosion and runoff. However, the project plans and description are lacking key information necessary to fully evaluate the effectiveness of the proposed project plans, construction methods, and mitigation measures to address the potential project impacts and therefore the project's conformity with the policies of the LCP. For example, the applicant provides a "general estimate" of the average pre-and post-development average runoff rates into Wetlands C, D, and E and the pond, but does not provided estimates of the changes that the development would cause in either average or peak runoff rates from the project site. The information provided is related to the potential impacts of runoff and sedimentation to onsite wetlands. While this is an important issue, additional information is necessary to allow the Commission to evaluate the offsite impacts of polluted runoff generated by the proposed development. This additional information is needed because the project plans show that a substantial volume of the runoff from rooftops and paved areas will be directed into a storm drain system that discharges into Pilarcitos Creek. Pilarcitos Creek is identified in the LCP as an important riparian habitat area and is known to provide habitat for the California red-legged frog. Drainage from the northern portion of the project site will be directed into an open drainage ditch south of Grandview Avenue. This ditch flows to the west through a culvert under Highway 1 into the Kehoe drainage ditch, which has been subject to flooding in the past. Both the Kehoe drainage ditch and Pilarcitos Creek discharge directly into the sea. The applicant has not provided estimates of the changes to peak and average runoff volumes from the project site into either the Kehoe drainage or Pilarcitos Creek. Without this information the Commission is unable to assess the potential impacts of the project to the quality and biological productivity of coastal waters in accordance with the requirements of the certified LCP.

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The applicant proposes to provide this information prior to construction of the development through a SWPPP. However, the Commission needs the information proposed to be provided subsequently through the SWPPP for its current consideration of the permit application. Without this information, the Commission cannot determine that the project as proposed conforms to the requirements of LUP Policies 4-8 and 4-9 and Coastal Act Section 30253. Therefore, the proposed project cannot be approved.

In order for the Commission to evaluate the potential impacts of the project to environmentally sensitive resources and coastal water quality due to generation of polluted runoff and erosion, the applicant must provide the following information prior to Commission action on any subsequent permit application.

General Project/Site Information

1. A description of any temporary or permanent development needed for construction (e.g., site access points for construction traffic, staging areas, contractor's yard for automobile parking, and equipment, material, and debris storage/stockpile areas).
2. A list and description of all potential pollutants expected to be generated as a result of the proposed project construction and/or project use after construction.
3. A project schedule.

Runoff & Drainage Plan

(To be prepared by a licensed/registered civil or professional engineer.)

1. Estimates of the pre-development peak runoff rate and average volume for the entire project site;
2. Detailed drainage improvement plans (e.g., locations of diversions/conveyances for upstream runoff);
3. Description of potential flow paths where erosion may occur during and after construction;
4. Estimates of the expected post-development peak runoff rate and average volume from the site with all proposed non-structural and structural BMPs implemented.
5. Methods to accommodate onsite percolation, revegetate disturbed portions of the site, and address onsite and/or offsite impacts and necessary improvements constructed.
6. Measures to treat, infiltrate, or filter runoff from impervious surfaces (e.g., roads, driveways, parking structures, building pads, roofs, patios, etc.) on the subject parcel(s) and to discharge the runoff in a manner that avoids erosion, gully on or downslope of the subject parcel, ponding on building pads, discharge of pollutants (e.g., oil, heavy metals, toxins) to coastal waters, or other potentially adverse impacts. Such measures may include, but are not limited to, the use of structures (alone or in combination) such as on-site desilting basins, detention ponds, dry wells, etc.
7. A long-term plan and schedule for the monitoring and maintenance of all drainage-control devices.

Landscaping Plan

(To be prepared by a licensed/registered landscape architect or similar licensed/registered biotic resources specialist.)

1. Local soil chemistry, physiology, and biology.

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2. Species of plant(s) to be established. Preference should be given to nonirrigated, rain-dependent natives.
3. Timing of planting.
4. Irrigation plan, if necessary. Preference should be given to species that require no artificial irrigation beyond that necessary to establish new plantings.
5. Mechanical maintenance measures (e.g., mowing).
6. Chemical maintenance measures (e.g., pesticides and fertilizers).
7. Specific maintenance measures for BMPs with vegetation.

2.10.4 Conclusion

Although the applicant has provided some of the information necessary to evaluate the project's potential impacts to coastal resources and water quality resulting from runoff and erosion, including specific structural and non-structural BMPs, before the Commission can approve a project consistent with the requirements of the certified LCP, the Commission must evaluate the more specific information proposed by the applicant to be provided in the future in the project's SWPPP. Because this information has not been provided for the Commission's review as part of the permit application, the Commission cannot find that the project conforms to the requirements of LUP Policies 4-8 and 4-9 and Coastal Act Section 30253. The specific information described under the subheadings: *General Project/Site Information*; *Runoff & Drainage Plan*; and *Landscaping Plan* should be provided as a part of any future permit application for development of the project site.

2.11 Conversion of Agricultural Lands

Although the proposed development will result in the conversion of 36 acres of prime agricultural lands to residential use, agricultural use of the site is severely limited by conflicts with urban uses and is therefore designated in the LUP as an area suitable for development. Therefore, the proposed conversion of agricultural lands is consistent with the City of Half Moon Bay LCP.

2.11.1 Issue Summary

In the past, the lower slopes and flatlands within the 114-acre Pacific Ridge site were used for pasture. Approximately 36 acres of the site (32 percent) contain Class II soils as shown on the U.S. Department of Agriculture Soils Conservation Service Soil Survey (USDA 1961) and are therefore classified as prime agricultural lands under the LCP (Exhibit 10). The proposed project would commit these prime agricultural lands to urban use.

2.11.2 LCP Standards

The LCP incorporates Coastal Act Sections 30241 and 30242, which provide that the maximum amount of prime agricultural land shall be maintained in agricultural production and that conversion to nonagricultural uses of other non-prime lands shall be limited. Conformance with these policies is to be accomplished through, among other means, the establishment of stable urban/rural boundaries and by limiting conversion of agricultural lands where the viability of agricultural uses is severely limited by conflicts with urban uses.

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The LUP adopts the Coastal Act definition of prime agricultural lands, which incorporates by reference Government Code Section 51201. This definition includes all land that qualifies for rating as Class I or Class II in the Soils Conservation Service land use capability classifications.

LUP Policy 8-12 sets the urban/rural boundary for the region as the Half Moon Bay City Limit.

Coastal Act Section 30250(a), also incorporated into the LCP, requires that new development shall be located within, contiguous with, or in close proximity to existing developed areas.

2.11.3 Discussion

Chapter 8 of the LUP provides for the urbanization of former agricultural lands where farming is no longer economically viable. The land use designations and agricultural policies of the LUP establish a system for phasing the conversion of agricultural lands to urban use. The criteria used to form this phasing plan include availability of necessary infrastructure, proximity to existing developed areas, and parcel size. Lands clearly no longer suitable for agriculture are designated for development first. Lands that are expected in the short term to be suitable for agricultural use are designated as Urban Reserve. These lands are to be developed only after substantial build-out of the lands designated for development. The LUP designates lands capable of continuing to support viable agricultural uses (at the time that the LUP was certified in 1985) as Open Space Reserve. Open Space Reserve lands may be developed under the LUP only after all other remaining lands in the City suitable for development have been developed or committed to other uses. Chapter 9 of the LUP further provides that new development shall be located within, contiguous with, or in close proximity to existing developed areas to (1) avoid urban sprawl, (2) prevent premature commitment of rural lands to development, and (3) preserve the maximum amount of land in urban areas suitable for agricultural use.

All undeveloped lands designated in the LUP as potentially suitable for new residential development are classified into six categories in accordance with their relationship to existing development, prior commitment to urbanization, and the coastal resource protection policies of the Coastal Act. These categories are intended to prioritize development within the City as follows:

1. Existing Neighborhoods. In-fill development of existing neighborhoods.
2. Paper Subdivisions. Undeveloped areas previously committed to urbanization by subdivision.
3. Contiguous Unsubdivided Lands Without Significant Resource Value. Unsubdivided lands generally contiguous with or surrounded by existing development without significant agricultural, habitat, or coastal recreational value.
4. Unsubdivided And Other Lands Not Contiguous With Existing Development Without Significant Resource or Recreational Value. The Wavecrest Restoration Project is the only area in the City that falls within this category.
5. Unsubdivided Lands Contiguous with Existing Development and Having Agricultural, Coastal Recreation or Habitat Value.
6. Unsubdivided Lands not Contiguous with Existing Development and Having Agricultural, Coastal Recreation, Habitat, and Scenic Value.

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The LUP designates the Pacific Ridge Development site as a Category 3 area suitable for development.

2.11.4 Conclusion

The project site is not currently in agricultural production, and is not considered a viable agricultural site under the LUP. The site is located within the urban rural boundary and is contiguous with the existing Grandview Terrace and Newport Terrace subdivisions. Agricultural use of the site is severely limited by conflicts with urban uses. For example, pesticide use would be restricted due to proximity to residential development and to the high school. For all of these reasons, the project site is designated in the LUP as an area suitable for development. Therefore, the Commission finds that the proposed conversion of agricultural lands is consistent with the City of Half Moon Bay LCP.

2.12 California Environmental Quality Act

Section 13096 of the Commission's administrative regulations requires Commission approval of CDP applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As specifically discussed in the preceding findings, which are hereby incorporated by reference, the proposed development will result in significant adverse environmental impacts. There are less environmentally damaging feasible alternatives to the project as proposed and feasible mitigation measures to avoid or substantially lessen adverse impacts that the project will cause to the environment have not been provided. Alternative development siting and design would lessen the environmental impact of the proposed project on coastal resources. For example, the impacts of the proposed development to regional cumulative traffic congestion, environmentally sensitive habitat areas, and visual resources could be minimized and/or avoided by limiting development of the site to a minimum of one single-family residence on each of the existing legal lots. Project impacts to the San Francisco garter snake and the California red-legged-frog could be mitigated or avoided through the provision of adequate buffers around the wetlands and riparian areas on the site and by spanning the full width of the riparian corridors where road crossings cannot feasibly be avoided. Therefore, the Commission denies this permit application on the grounds that the proposed development is inconsistent with Section 21080.5(d)(2)(A) of CEQA.

APPENDIX A

Substantive File Documents

References:

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APPENDIX A

Substantive File Documents

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USFWS 2000. "Proposed Designation of Critical Habitat for the California Red-Legged Frog (*Rana aurora draytonii*); Proposed Rule," U.S. Department of the Interior, Fish and Wildlife Service, September 11, 2000.

Personal Communications:

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